
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO THE
RECALL OF PUBLIC OFFICERS.

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 the recall of public officers.

4 SECTION 2. Article II of the Constitution of the State of
5 Hawaii is amended by adding a new section to be appropriately
6 designated and to read as follows:

7 "RECALL

8 Section . Every elected public officer of the State or
9 of any political subdivision may be removed from office at any
10 time by the electors entitled to vote for a successor of the
11 incumbent, through the procedure and in the manner set forth in
12 this section. This procedure shall be known as a recall and is
13 in addition to any other method of removal provided by law.

14 This section is self-executing, but the legislature may
15 enact legislation to facilitate the operation of this section.
16 Such legislation may not restrict or limit the provisions of
17 this section or the powers reserved in this section.



1 A recall measure shall be submitted to the people for a
2 recall vote with the signatures of registered voters of not less
3 than ten percent of all votes cast for all candidates for the
4 office subject to recall at the preceding general election
5 preceding the filing of the recall petition. In districts in
6 which the people cast their votes for multiple representation in
7 a particular office in that district, the total votes cast for
8 all candidates for that office in the last general election
9 shall be divided by the number of persons in that particular
10 office to obtain the number of signatures needed. Only those
11 registered voters who are entitled to cast votes for the officer
12 named on the recall petition shall be qualified to sign the
13 recall petition or to vote at the recall election. The recall
14 petition shall state the reason for the recall vote.
15 Unresponsiveness to the needs of the officer's constituents
16 shall be adequate reason for the recall of any elected public
17 officer.

18 No recall petition shall be filed against any elected
19 public officer until the officer has served more than six months
20 of the officer's term of office. No recall petition shall be
21 filed against any elected officer within one year of a primary



1 election in which the elected officer is required to seek
2 nomination for reelection. If a recall petition is against an
3 elected officer whose term of office expires at a general
4 election after a forthcoming primary election and the petition
5 is filed not more than _____ days and not less than
6 days prior to the primary election, the chief election officer
7 shall cause the recall measure to be submitted to the people at
8 that general election. All other recall measures shall cause a
9 recall special election to be proclaimed by the chief election
10 officer between _____ and _____ days after the
11 petition has been determined to be sufficient.

12 A recall shall be approved by the majority of the votes
13 cast indicating yes or no thereon but not including blank
14 ballots. Any vacancy which may be created shall be filled as
15 prescribed by law.

16 If a recall vote fails to recall the affected officer, the
17 affected officer shall not be subjected to another recall vote
18 for the remainder of the term of office to which the officer was
19 elected to serve.

20 Prior to the circulation of any recall petition for
21 signatures, a copy shall be submitted to the attorney general



1 who shall prepare a title and summary of the chief purpose and
2 aim of the proposed measure within seven business days. The
3 title and summary shall not exceed words.

4 All recall petitions shall be submitted for certification
5 to the chief election officer. Each sheet containing
6 petitioners' signatures shall be attached to the title, summary
7 and text of the recall petition. No laws shall be enacted
8 limiting the number of copies of a petition that may be
9 circulated. Any registered voter of the State shall be
10 competent to solicit signatures. No person circulating a
11 petition shall be eligible to receive any compensation for
12 services as a petition circulator. All signers shall add their
13 address as shown on their voter registration form, the last four
14 digits of their social security number and the date upon which
15 they sign the petition. When less than five thousand signatures
16 are required on the petition, the petition circulators shall
17 have sixty days in which to obtain the required number of
18 signatures of registered voters; when between five thousand and
19 ten thousand signatures are required, the petition circulators
20 shall have ninety days; when between ten thousand and fifty
21 thousand signatures are required, the petition circulators shall



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

6 Every sheet of the petition containing signatures shall be
7 verified by affidavit of the petition circulator that each name
8 on the sheet was signed in the presence of the affiant and that
9 in the belief of the affiant each signer is a registered voter
10 of the State and of the affected political subdivision or
11 district in the case of the recall petition when so limited.
12 The chief election officer shall certify that the signers are
13 registered voters of the State and of the affected political
14 subdivision or district in the case of the recall petition when
15 so limited.

16 The chief election officer shall release any petition for
17 inspection by the public or any governmental agency when a
18 question has been raised regarding the sufficiency of a
19 petition. If any petition under this section has been
20 determined to be insufficient, the petition shall be returned to
21 the circulators within sixty days of its filing with the



1 notations of specific insufficiencies. Petition circulators
2 shall have additional time in which to correct the specific
3 insufficiencies of a petition, in accordance with the provisions
4 of this section governing the amount of time allowed to obtain
5 petitioners' signatures.

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

10 The recall measure shall be effective, if approved, one day
11 after the election results are announced unless otherwise
12 provided for in the measure.

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

18 SECTION 3. The question to be printed on the ballot shall
19 be as follows:

20 "Shall a recall of elected public officers be provided for
21 in the Constitution of the State of Hawaii?"



1 SECTION 4. New constitutional material is underscored.

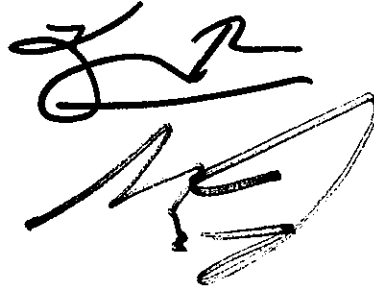
2 SECTION 5. This amendment shall take effect upon
3 compliance with article XVII, section 3, of the Constitution of
4 the State of Hawaii.

5

INTRODUCED BY:







JAN 20 2011



Report Title:

Public Officers; Recall

Description:

Amends the Hawaii Constitution to allow for recall of elected public officials.

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