

1 The legislation shall not restrict or limit the provisions of
2 this section or the powers reserved in this section.

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

20 No recall petition shall be filed against any elected
21 officer until more than six months of the officer's term of



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

13 The governor shall appoint another officer to fulfill the
14 duties of the chief election officer under this section when a
15 recall petition against the lieutenant governor has been
16 requested and the title and summary of the petition has been
17 prepared by the attorney general.

18 A recall shall be approved by the majority of the votes
19 cast indicating yes or no thereon, but not including blank
20 votes. Any vacancy created shall be filled as prescribed by
21 law.



1 If a recall vote fails to recall the affected officer, the
2 affected officer shall not be subjected to another recall vote
3 for the remainder of the term of office that the officer was
4 elected to serve.

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

10 All recall petitions shall be submitted to the chief
11 election officer or the chief election officer's substitute for
12 certification when the lieutenant governor is the subject of the
13 recall. Each sheet containing petitioners' signatures shall be
14 attached to the title, summary and text of the recall petition.
15 No laws shall be enacted limiting the number of copies of a
16 petition that may be circulated. Any registered voter of this
17 State shall be competent to solicit signatures. No person
18 circulating a petition shall be eligible to receive any
19 compensation for services as a petition circulator. All signers
20 shall add their address as shown on their voter registration
21 form, their social security number and the date upon which they



1 sign the petition. When less than five thousand signatures are
2 required on the petition, the petition circulators shall have
3 sixty days to obtain the required number of signatures of
4 qualified voters; when at least five thousand but less than ten
5 thousand signatures are required, the petition circulators shall
6 have ninety days; when at least ten thousand but less than fifty
7 thousand signatures are required, the petitions circulators
8 shall have one hundred twenty days; when at least fifty thousand
9 but less than one hundred thousand signatures are required, the
10 petition circulators shall have one hundred sixty days; and when
11 at least one hundred thousand signatures are required, the
12 petition circulators shall have one hundred eighty days.

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



1 political subdivision or district in the case of the recall
2 petition when so limited.

3 The chief election officer shall release any recall
4 petition for inspection by the public or any governmental agency
5 when a question has been raised regarding the sufficiency of the
6 petition. If any petition under this section has been
7 determined to be insufficient, the petition shall be returned to
8 the circulators within sixty days of its filing with the
9 notations of specific insufficiencies. Petition circulators
10 shall have additional time in which to correct the specific
11 insufficiencies of a petition, in accordance with the provisions
12 of this section governing the amount of time allowed to obtain
13 petitioners' signatures.

14 Any measure under this section shall be presented to the
15 people in a form that a yes vote, on a yes or no ballot, shall
16 indicate an affirmative vote for the measure as the measure is
17 written.

18 The recall measure shall be effective, if approved, one day
19 after the election results are announced unless otherwise
20 provided for in the measure.



H.B. NO. 2441

Report Title:

Constitutional Amendment; Recall Public Officials

Description:

Proposes a constitutional amendment to allow for the recall of public officials.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

