

HJR 51 -- RECALL OF ELECTED OFFICIALS

SPONSOR: Pogue

Upon voter approval, this proposed constitutional amendment enacts procedures for the recall by petition of any elected public official in this state or its political subdivisions.

Any elected official who has been in office less than six months or has less than six months remaining in his or her term of office will not be subject to a recall. An office with a two year term may only have one recall petition filed during the term. Offices with terms longer than two years may have additional recall petitions filed, as long as it has been six months after the voters disapproved of the last recall petition. A recalled public official may not be a candidate to fill any vacancy created by the public official's recall.

A recall petition must be signed by 25% of the total number of qualified voters as specified in the resolution and must contain a statement of the reasons for the recall. Acceptable reasons for a recall are stated in the resolution.

The petition must be filed with the Secretary of State or the appropriate election authority of the political subdivision the official is elected to serve within 60 days of the earliest signature on the petition. The Secretary of State or the appropriate election authority has 20 days to determine if the petition was signed by the required number of qualified signatures. If it is determined that there are not enough qualified signatures additional qualified signatures may be filed within 10 days of the determination of insufficiency. After any supplemental items are filed, the Secretary of State or the election authority has 10 days to determine if the number of signatures as supplemented is sufficient. If the signatures on the petition are sufficient the Secretary of State or the election authority will order an election to be held on the next day available for elections as provided by law.

If any elected public official resigns from office before a recall election occurs, the office is declared vacant and will be filled on the election day scheduled for the recall election or as otherwise provided by law.