

HJR 92 -- RECALL OF ELECTED PUBLIC OFFICIALS

SPONSOR: Pogue

Upon voter approval, this proposed constitutional amendment allows any person holding an elective public office in this state or any of its political subdivisions to be removed from office by recall petition with specified exceptions. A person holding any elective office for less than six months or with less than six months remaining in his or her term of office must not be subject to recall. In the case of an office with a term of two years only, no more than one recall petition can be filed during the term. In the case of an office with a term of more than two years, a recall petition cannot be filed within the six months after voter disapproval of the last recall petition.

Criteria for submitting and filing a recall petition with the Office of the Secretary of State or an election authority are specified in the resolution. A recall petition must be signed by at least 25% of the number of qualified voters voting in the last gubernatorial election. The petition must be filed with the Secretary of State or the appropriate election authority within 60 days of the earliest signature on the petition. The Secretary of State's Office or election authority must determine whether the petition was signed by the required number of qualified voters within 20 days from the filing of the petition. If there is any insufficiency, additional signatures and information may be filed within 10 days of the determination of insufficiency. Within 10 days after any supplemental items are filed, the Secretary of State or the election authority must determine whether the number of signatures as supplemented is sufficient. If the signatures are found to be sufficient, the Secretary of State or the election authority must order an election to be held on the next day available for an election.

If an official subject to recall resigns before the recall election occurs, the office must be declared vacant and must be filled on the election day scheduled for the recall election or as otherwise provided by law. If an official is recalled, he or she cannot be elected or appointed to fill a vacancy in the office created by his or her recall.