A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAI'I TO PROVIDE FOR THE RECALL OF PUBLIC OFFICERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

SECTION 1. The purpose of this Act is to propose an amendment to Article II of the Constitution of the State of Hawaii to provide for the recall of public officers.

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

"RECALL

Section. Every elected public officer of the State or of any political subdivision may be removed from office at any time by the electors entitled to vote for a successor of the incumbent, through the procedure and in the manner set forth in this section. This procedure shall be known as the recall and is in addition to any other method of removal provided by law. This section is self-executing, but the legislature may enact legislation to facilitate the operation of this section.
The legislation shall not restrict or limit the provisions of this section or the powers reserved in this section.

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

No recall petition shall be filed against any elected officer until more than six months of the officer's term of
office has been served. No recall petition shall be filed within one year of a primary election in which an elected officer is required to seek nomination for reelection. If a recall petition is filed against an elected officer whose term of office expires at a general election after a forthcoming primary election and the petition is filed not more than days and not less than _____ days prior to the primary election, the chief election officer shall cause the recall measure to be submitted to the people at that general election. All other recall measures shall cause a recall special election to be proclaimed by the chief election officer between _____ and days after the petition has been determined to be sufficient.

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

A recall shall be approved by the majority of the votes cast indicating yes or no thereon, but not including blank votes. Any vacancy created shall be filled as prescribed by law.
If a recall vote fails to recall the affected officer, the affected officer shall not be subjected to another recall vote for the remainder of the term of office that the officer was elected to serve.

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

All recall petitions shall be submitted to the chief election officer or the chief election officer's substitute for certification when the lieutenant governor is the subject of the recall. Each sheet containing petitioners' signatures shall be attached to the title, summary and text of the recall petition.

No laws shall be enacted limiting the number of copies of a petition that may be circulated. Any registered voter of this State shall be competent to solicit signatures. No person circulating a petition shall be eligible to receive any compensation for services as a petition circulator. All signers shall add their address as shown on their voter registration form, their social security number and the date upon which they
sign the petition. When less than five thousand signatures are required on the petition, the petition circulators shall have sixty days to obtain the required number of signatures of qualified voters; when at least five thousand but less than ten thousand signatures are required, the petition circulators shall have ninety days; when at least ten thousand but less than fifty thousand signatures are required, the petition circulators shall have one hundred twenty days; when at least fifty thousand but less than one hundred thousand signatures are required, the petition circulators shall have one hundred sixty days; and when at least one hundred thousand signatures are required, the petition circulators shall have one hundred eighty days.

Every sheet of the recall petition containing signatures shall be verified by affidavit of the petition circulator that each name on the sheet was signed in the presence of the affiant and that in the belief of the affiant each signer is a registered voter of the State and of the affected political subdivision or district in the case of the recall petition when so limited. The chief election officer shall certify that the 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.
The petitioners shall bear all costs of the preparation and circulation of the recall petition, except for the services performed by the attorney general under this section. After the petition has been filed with the chief election officer, all further costs shall be part of the usual expenditures of the State.

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

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

SECTION 4. New constitutional material is underscored.

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

INTRODUCED BY:  

[Signatures]

JAN 26 2016
Report Title:
Constitutional Amendment; Recall Public Officials

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

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