

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 801 Session of
1997

INTRODUCED BY HERMAN, FAIRCHILD, PLATTS, CLARK, EGOLF, WAUGH,
E. Z. TAYLOR, EACHUS, BOSCOLA, DeLUCA, DALLY, STEELMAN AND
BENNINGHOFF, MARCH 12, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 12, 1997

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania, providing that certain public officers be
3 subject to removal from office by recall.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of
7 Pennsylvania is proposed in accordance with Article XI:

8 That Article VI be amended by adding a section to read:

9 § 8. Recall of certain officers.

10 (a) Any member of the General Assembly, any member of
11 Congress from this State and all elected judicial, State and
12 county officers, whether holding office by election, succession
13 or appointment, shall be subject to removal from office at a
14 recall election in the manner provided in this section.

15 (b) A recall of an incumbent shall be initiated upon
16 petition by registered electors. The petition shall contain
17 signatures equal in number to at least 25% of the vote cast at

1 the last preceding election for all the candidates for the
2 office held by the elected officer subject to recall. Every
3 recall petition shall name the officer against whom it is
4 directed.

5 (c) Each elector signing a recall petition shall add to his
6 signature his occupation, his residence and the date of signing.
7 Signatures on a recall petition may be on separate sheets, but
8 each sheet shall have appended to it the affidavit of some
9 person, not necessarily a signer of the petition, that to the
10 best of the affiant's knowledge and belief the persons whose
11 signatures appear on the sheet are registered electors of this
12 Commonwealth, that they signed with full knowledge of the
13 contents of the petition and that their residences are correctly
14 given.

15 (d) A recall petition shall be tendered for filing to the
16 Secretary of the Commonwealth. The Secretary of the Commonwealth
17 shall examine it to see whether it contains a sufficient number
18 of apparently genuine signatures. The Secretary of the
19 Commonwealth may question the genuineness of any signature or
20 signatures appearing on the recall petition, and, if he finds
21 that any signature or signatures are not genuine, he shall
22 disregard them in determining whether the petition contains a
23 sufficient number of signatures. The Secretary of the
24 Commonwealth shall also disregard any signature dated more than
25 60 days before the date the petition was tendered for filing.
26 The Secretary of the Commonwealth shall eliminate any sheet of
27 the petition which is not accompanied by the required affidavit.
28 The invalidity of any sheet of the petition shall not affect the
29 validity of the petition if a sufficient number of signatures
30 remain after eliminating the invalid sheet. The Secretary of the

1 Commonwealth shall complete his examination of the petition
2 within 15 days and shall thereupon file the petition if valid or
3 reject it if invalid.

4 (e) As soon as the Secretary of the Commonwealth has
5 accepted a recall petition for filing, the Secretary of the
6 Commonwealth shall notify the incumbent named in the petition
7 that the petition has been filed. Upon receipt of the notice,
8 the incumbent may resign from his office and thereupon the
9 recall proceedings shall terminate.

10 (f) If the incumbent against whom a recall petition is
11 directed does not resign from his office within ten days after
12 notice of the filing of the petition has been given to him, the
13 Secretary of the Commonwealth shall arrange a recall election.
14 If a regular or special election is to be held not less than 30
15 days nor more than 90 days after the ten days have expired, the
16 recall question shall be placed before the electors at such an
17 election. Otherwise, a special recall election shall be fixed
18 for a date not earlier than 30 days nor later than 90 days after
19 the ten days have expired. The incumbent against whom a recall
20 petition is directed may resign at any time prior to the recall
21 election and thereupon the election shall not be held. The
22 following question shall be presented to each elector in a
23 recall election: "Shall (name of officer) be recalled and
24 removed from the office of (name of office)?" This question
25 shall appear as to every officer whose recall is to be voted
26 upon, and provision shall be made for the elector to vote "Yes"
27 or "No" on the question. If a majority of the registered
28 electors who vote on the question at a recall election vote
29 "Yes", the incumbent shall be deemed recalled and removed from
30 office, but, if a majority of the registered electors vote "No",

1 he shall remain in office.

2 (g) A person who has been removed from an elective office by
3 a recall election or who has resigned from an elective office
4 after a recall petition directed to him has been filed shall not
5 be eligible for election or appointment to any office of the
6 Commonwealth within two years after his removal or resignation.

7 (h) A recall petition shall not be filed against any
8 incumbent of an elective office within the first year or the
9 last six months of the term of his office or within six months
10 after an unsuccessful recall election against him, but an
11 officer who has been reelected for a successive term shall also
12 be subject to recall during the first year of the successive
13 term.

14 Section 2. (a) Upon the first passage by the General
15 Assembly of this proposed constitutional amendment, the
16 Secretary of the Commonwealth shall proceed immediately to
17 comply with the advertising requirements of section 1 of Article
18 XI of the Constitution of Pennsylvania and shall transmit the
19 required advertisements to two newspapers in every county in
20 which such newspapers are published in sufficient time after
21 passage of this proposed constitutional amendment.

22 (b) Upon the second passage by the General Assembly of this
23 proposed constitutional amendment, the Secretary of the
24 Commonwealth shall proceed immediately to comply with the
25 advertising requirements of section 1 of Article XI of the
26 Constitution of Pennsylvania and shall transmit the required
27 advertisements to two newspapers in every county in which such
28 newspapers are published in sufficient time after passage of
29 this proposed constitutional amendment. The Secretary of the
30 Commonwealth shall submit this proposed constitutional amendment

1 to the qualified electors of this Commonwealth at the first
2 primary, general or municipal election occurring at least three
3 months after the proposed constitutional amendment is passed by
4 the General Assembly which meets the requirements of and is in
5 conformance with section 1 of Article XI of the Constitution of
6 Pennsylvania.