

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 368 Session of  
1999

INTRODUCED BY EARLL, BELL AND HART, FEBRUARY 11, 1999

REFERRED TO STATE GOVERNMENT, FEBRUARY 11, 1999

## 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) A member of the General Assembly and a person holding  
11 any Statewide office shall be subject to removal from office by  
12 recall in the manner provided in this section.

13 (b) A recall of an incumbent shall be initiated upon  
14 petition by registered electors. The petition shall contain  
15 signatures equal in number to at least five times the number of  
16 valid signatures required for the filing of a nominating  
17 petition under the election law for the office held by the

elected officer subject to recall. Every recall petition shall name the officer against whom it is directed.

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

(d) A recall petition shall be tendered for filing to the Secretary of the Commonwealth. The Secretary of the Commonwealth shall examine it to see whether it contains a sufficient number of apparently genuine signatures. The Secretary of the Commonwealth may question the genuineness of any signature or signatures appearing on the recall petition, and, if he finds that any signature or signatures are not genuine, he shall disregard them in determining whether the petition contains a sufficient number of signatures. The Secretary of the Commonwealth shall also disregard any signature dated more than 30 days before the date the petition was tendered for filing. The Secretary of the Commonwealth shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remain after eliminating the invalid sheet. The Secretary of the Commonwealth shall complete his examination of the petition within 15 days and shall thereupon file the petition if valid or

1 reject it if invalid.

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

8 (f) If the incumbent against whom a recall petition is  
9 directed does not resign from his office within ten days after  
10 notice of the filing of the petition has been given to him, the  
11 Secretary of the Commonwealth shall arrange for the recall  
12 question to appear on the ballot at the general election next  
13 following filing of the petition. The incumbent against whom a  
14 recall petition is directed may resign at any time prior to the  
15 general election and thereupon the recall question shall not be  
16 presented to the electors. The following question shall be  
17 presented to each elector: "Shall (name of officer) be recalled  
18 and removed from the office of (name of office)?" This question  
19 shall appear as to every officer whose recall is to be voted  
20 upon, and provision shall be made for the elector to vote "Yes"  
21 or "No" on the question. If a majority of the registered  
22 electors who vote on the question vote "Yes", the incumbent  
23 shall be deemed recalled and removed from office, but, if a  
24 majority of the registered electors vote "No", he shall remain  
25 in office.

26 (g) A person who has been removed from an elective office by  
27 the affirmative vote of a majority of the registered electors or  
28 who has resigned from an elective office after a recall petition  
29 directed to him has been filed shall not be eligible for  
30 election or appointment to any office of the Commonwealth within

1 two years after his removal or resignation.

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

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

17 (b) Upon the second passage by the General Assembly of this  
18 proposed constitutional amendment, the Secretary of the  
19 Commonwealth shall proceed immediately to comply with the  
20 advertising requirements of section 1 of Article XI of the  
21 Constitution of Pennsylvania and shall transmit the required  
22 advertisements to two newspapers in every county in which such  
23 newspapers are published in sufficient time after passage of  
24 this proposed constitutional amendment. The Secretary of the  
25 Commonwealth shall submit this proposed constitutional amendment  
26 to the qualified electors of this Commonwealth at the first  
27 primary, general or municipal election occurring at least three  
28 months after the proposed constitutional amendment is passed by  
29 the General Assembly which meets the requirements of and is in  
30 conformance with section 1 of Article XI of the Constitution of

1 Pennsylvania.