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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

**MEMORANDUM**

**TO:** Members of the House of Representatives

**FROM:** Representative Jaret Gibbons

**DATE:** January 20, 2011

**SUBJECT:** Request for Co-Sponsorship – Public Official Recall

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In the near future, I intend to re-introduce legislation (House Bills 1562 and 1559 of the 2009-10 legislative session) that would allow for the recall of all state, county, and local elected officials in Pennsylvania, with the exception of judicial officers. This legislation must be introduced as two separate bills – one that amends Article VI (Public Officers) of the Constitution of the Commonwealth of Pennsylvania and then a subsequent bill that amends Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes.

I am re-introducing this recall legislation in light of the allegations against a former Lawrence County Treasurer who was charged and convicted of conducting improper acts in his capacity as treasurer. However, because Pennsylvania law does not currently contain a recall provision, this person was able to remain in office for two years after being charged. My legislation will allow state voters to recall elected state, county, and local officials who are accused of committing crimes while in office.

My legislation stipulates that to initiate the recall process a court hearing must first be held to determine whether probable grounds exist to recall the elected public official. Grounds for a recall are limited to malfeasance or nonfeasance in the performance of official duties during the individual's current or any previous term in office. If the court finds probable grounds, a qualified elector may circulate a recall petition, provided that the commencement does not occur within the first or final 180 days the individual is in office. A 90-day time limit will be placed on the ability to gather signatures. The signature requirement is the number equal to 25% of the total voters who voted in the last election for the office, which is held by the named official in the petition. Petitions for statewide offices must include at least one thousand (1,000) signatures or 5% of the total number of required signatures from at least ten (10) counties, whichever may be less. Finally, there will not be a provision for a special recall election. Instead, a recall election will be held at the next primary or general election.

Please join me in co-sponsoring this important legislation. You may contact Susan Finger in my office at (717) 705-2060 (in-house 6626) or email [SFinger@pahouse.net](mailto:SFinger@pahouse.net). Thank you!