

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 46

Session of  
2001

INTRODUCED BY EARLL AND M. WHITE, JANUARY 22, 2001

REFERRED TO STATE GOVERNMENT, JANUARY 22, 2001

## A JOINT RESOLUTION

1 Proposing an integrated amendment to the Constitution of the  
2 Commonwealth of Pennsylvania, providing that certain public  
3 officers be 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 integrated amendment to the  
7 Constitution of Pennsylvania is proposed in accordance with  
8 Article XI:

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

10 § 8. Recall of certain officers.

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

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

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

1 within 15 days and shall thereupon file the petition if valid or  
2 reject it if invalid.

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

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

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

election or appointment to any office of the Commonwealth within two years after his removal or resignation.

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

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

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