A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR THE RECALL OF PUBLIC OFFICERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The purpose of this Act is to propose an
- 2 amendment to Article II of the Constitution of the State of
- 3 Hawaii to provide for the recall of public officers.
- 4 SECTION 2. Article II of the Constitution of the State of
- 5 Hawaii is amended by adding a new section to be appropriately
- 6 designated and to read as follows:
- 7 "RECALL
- **8** Section . Every elected public officer of the State or
- 9 of any political subdivision may be removed from office at any
- 10 time by the electors entitled to vote for a successor of the
- 11 incumbent, through the procedure and in the manner set forth in
- 12 this section. This procedure shall be known as the recall and
- 13 is in addition to any other method of removal provided by law.
- 14 This section is self-executing, but the legislature may
- 15 enact legislation to facilitate the operation of this section.

1 The legislation shall not restrict or limit the provisions of 2 this section or the powers reserved in this section. 3 A recall measure shall be submitted to the people for a 4 recall vote following the filing of a recall petition containing 5 the signatures of registered voters of not less than ten percent 6 of all votes cast for all candidates for the office subject to 7 recall at the general election immediately preceding the filing 8 of the recall petition. In districts where the people cast 9 their votes for multiple representation in a particular office 10 in that district, the total votes cast for all candidates for 11 that office in the last general election shall be divided by the 12 number of persons in that particular office to obtain the number 13 of signatures needed. Only those registered voters who are 14 entitled to cast votes for the officer named on the recall 15 petition shall be qualified to sign the recall petition and to 16 vote at the recall election. The recall petition shall state 17 the reason for the recall vote. Unresponsiveness to the needs 18 of the officer's constituents shall be adequate reason for the 19 recall of any elected officer. 20 No recall petition shall be filed against any elected

officer until more than six months of the officer's term of



21

1 office has been served. No recall petition shall be filed 2 within one year of a primary election in which an elected 3 officer is required to seek nomination for reelection. If a 4 recall petition is filed against an elected officer whose term 5 of office expires at a general election after a forthcoming 6 primary election and the petition is filed not more than 7 days and not less than days prior to the primary election, 8 the chief election officer shall cause the recall measure to be 9 submitted to the people at that general election. All other 10 recall measures shall cause a recall special election to be 11 proclaimed by the chief election officer between 12 days after the petition has been determined to be sufficient. 13 The governor shall appoint another officer to fulfill the 14 duties of the chief election officer under this section when a 15 recall petition against the lieutenant governor has been 16 requested and the title and summary of the petition has been 17 prepared by the attorney general. 18 A recall shall be approved by the majority of the votes 19 cast indicating yes or no thereon, but not including blank 20 votes. Any vacancy created shall be filled as prescribed by 21 law.

1 If a recall vote fails to recall the affected officer, the 2 affected officer shall not be subjected to another recall vote 3 for the remainder of the term of office that the officer was 4 elected to serve. 5 Prior to the circulation of any recall petition for 6 signatures, a copy shall be submitted to the attorney general 7 who shall prepare a title and summary of the chief purpose and 8 aim of the proposed measure within seven business days. 9 title and summary shall not exceed words. 10 All recall petitions shall be submitted to the chief election officer or the chief election officer's substitute for 11 12 certification when the lieutenant governor is the subject of the recall. Each sheet containing petitioners' signatures shall be 13 attached to the title, summary and text of the recall petition. 14 15 No laws shall be enacted limiting the number of copies of a 16 petition that may be circulated. Any registered voter of this **17** State shall be competent to solicit signatures. No person 18 circulating a petition shall be eligible to receive any 19 compensation for services as a petition circulator. All signers 20 shall add their address as shown on their voter registration 21 form, their social security number and the date upon which they

1 sign the petition. When less than five thousand signatures are 2 required on the petition, the petition circulators shall have 3 sixty days to obtain the required number of signatures of 4 qualified voters; when at least five thousand but less than ten thousand signatures are required, the petition circulators shall 5 6 have ninety days; when at least ten thousand but less than fifty 7 thousand signatures are required, the petitions circulators shall have one hundred twenty days; when at least fifty thousand 8 9 but less than one hundred thousand signatures are required, the 10 petition circulators shall have one hundred sixty days; and when at least one hundred thousand signatures are required, the 11 12 petition circulators shall have one hundred eighty days. 13 Every sheet of the recall petition containing signatures 14 shall be verified by affidavit of the petition circulator that 15 each name on the sheet was signed in the presence of the affiant 16 and that in the belief of the affiant each signer is a 17 registered voter of the State and of the affected political 18 subdivision or district in the case of the recall petition when 19 so limited. The chief election officer shall certify that the 20 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
- 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.
- 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.



1	The petitioners shall bear all costs of the preparation and
2	circulation of the recall petition, except for the services
3	performed by the attorney general under this section. After the
4	petition has been filed with the chief election officer, all
5	further costs shall be part of the usual expenditures of the
6	State."
7	SECTION 3. The question to be printed on the ballot shall
8	be as follows:
9	"Shall the recall of elected public officers be provided
10	for in the Constitution of the State of Hawaii?"
11	SECTION 4. New constitutional material is underscored.
12	SECTION 5. This Act shall take effect upon compliance with
13	article XVII, section 3, of the Constitution of the State of
14	Hawaii.
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INTRODUCED BY:

Bens Wend Riddling

JAN 2 6 2016

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Report Title:

Constitutional Amendment; Recall Public Officials

Description:

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

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