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HOUSE JOINT RESOLUTION NO. 614**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Privileges and Elections
on February 2, 2007)

(Patron Prior to Substitute—Delegate Hargrove)

Proposing an amendment to Article II of the Constitution of Virginia by adding a section numbered 10, relating to the recall of elected officers.

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Article II of the Constitution of Virginia by adding a section numbered 10 as follows:

ARTICLE II**FRANCHISE AND OFFICERS**

Section 10. Recall of Governor, Lieutenant Governor, and Attorney General.

(a) Recall is the power of the people to remove an elective officer.

(b) Recall of the Governor, Lieutenant Governor, or Attorney General is initiated by delivering to the Secretary of the State Board of Elections, or his successor in office, a petition alleging the reason for recall. Sufficiency of the reason is not reviewable. Proponents shall have 180 days to file signed petitions.

(c) A petition to recall the Governor, Lieutenant Governor, or Attorney General shall be signed by qualified voters equal in number to at least twenty-five percent of the number of voters voting in the last election for President of the United States, with signatures from at least 400 qualified voters in each congressional district in the Commonwealth.

(d) The Secretary shall maintain a continuous count of the signatures certified to his office.

(e) An election to determine whether to recall an officer shall be called by the Governor and held not less than sixty days nor more than eighty days from the date of certification of sufficient signatures. However, a recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with a regularly scheduled statewide election. No recall election shall be called or held within 180 days of the end of the term of the officer subject to the recall.

(f) If the majority vote on the question is to recall, the officer is removed and the vacancy shall be filled as provided by law.

(g) The General Assembly shall provide by law for the circulation, filing, and certification of petitions and the recall election.

(h) If recall of the Governor is initiated, the recall duties of that office shall be performed by the Lieutenant Governor.

(i) A state officer who is not recalled shall be reimbursed by the Commonwealth for the officer's recall election expenses legally and personally incurred. Another recall may not be initiated against the officer until one year after the election.

(j) The recall authority provided by this section shall not affect any other provision of this Constitution or law for the impeachment or removal of any elected officer.