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HOUSE JOINT RESOLUTION NO. 98

Offered January 13, 2010

Prefiled January 12, 2010

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

Patron—Cox, J.A.

Referred to Committee on Privileges and Elections

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 elected officers.

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

(b) Recall of a state officer 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 160 days to file signed petitions.

(c) A petition to recall a state officer shall be signed by qualified voters equal in number to at least twenty-five percent of the last vote for the office, with signatures from each of ten counties and cities equal in number to one percent of the last vote for the office in the county or city. Signatures to recall members of the General Assembly shall be signed by qualified voters equal in number to at least twenty-five percent of the last vote for the office.

(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 and, if appropriate, to elect a successor 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.

(f) 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 the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equals at least fifty percent of all the voters eligible to vote at the recall election.

(g) If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate.

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

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

(j) 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 six months after the election.

(k) The General Assembly shall provide for recall of local officers. This section does not affect counties and cities whose charters provide for recall.

(l) 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.

INTRODUCED

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