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HOUSE JOINT RESOLUTION NO. 541

Offered January 15, 1999

Proposing an amendment to the Constitution of Virginia by adding an article numbered II-A, consisting of sections numbered 1 through 5, relating to the power of the voters to recall elective officers.

Patron—Hargrove

Referred to Committee on Rules

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 the Constitution of Virginia by adding an article numbered II-A, consisting of sections numbered 1 through 5, as follows:

ARTICLE II-A
RECALL

Section 1. Recall defined.

Recall is the power of the voters to remove an elective officer.

Section 2. Recall petitions.

Recall of the Governor, Lieutenant Governor, Attorney General, or a member of the General Assembly is initiated by delivering to the Secretary of the State Board of Elections a petition alleging the reason for the recall. Sufficiency of the reason is reviewable by the Attorney General within thirty days of the delivery of the petition to the Secretary. Proponents shall have one hundred and sixty days from initiation of the recall to file signed petitions.

A petition to recall a statewide officer shall be signed by registered voters equal in number to at least twelve percent of the last vote for the office, with signatures from each of six congressional districts equal in number to at least one percent of the last vote for the office in the congressional district. A petition to recall a member of the General Assembly shall be signed by registered voters in such member's district equal in number to twenty percent of the last vote for the office in such district.

The Secretary of the State Board of Elections shall maintain a continuous count of the signatures certified to that office.

Section 3. Reason for recall.

The reason for recall shall be (i) neglect of duty or misuse of office having a material adverse effect on the conduct of the office or (ii) conviction of a violation of the election or conflict of interest laws or of any felony.

Section 4. Recall elections.

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 one hundred twenty days from the date of certification by the Secretary of the State Board of Elections of sufficient signatures. If the majority vote on the question is to recall, the officer is removed; and, if there is an election for a successor, the candidate who receives the highest number of votes is the successor. The officer may not be a candidate.

The General Assembly shall provide for circulation, filing, and certification of petitions; nomination of candidates; the recall election; and election of a successor, as appropriate.

If recall of the Governor is initiated, the recall duties of that office shall be performed by the Lieutenant Governor. If recall of the Attorney General is initiated, the recall duties of that office shall be performed by a designee of the Governor.

An officer who is not recalled shall be reimbursed by the Commonwealth for the officer's recall expenses to the extent provided by general law. Another recall may not be initiated against the officer until six months after the recall election.

Section 5. Recall of other officers.

The General Assembly shall provide by law for recall of other elective officers.

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