

1 HB204
2 135924-1
3 By Representative Melton (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, to provide a
10 procedure for qualified state electors to recall
11 certain state elected officers.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 To propose an amendment to the Constitution of
18 Alabama of 1901, to provide for the recall of certain state
19 officers.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. The following amendment to the
22 Constitution of Alabama of 1901, as amended, is proposed and
23 shall become valid as a part thereof when approved by a
24 majority of the qualified electors voting thereon and in
25 accordance with Sections 284, 285, and 287 of the Constitution
26 of Alabama of 1901, as amended:

27 PROPOSED AMENDMENT

1 (a) Voters may recall state elected officers, with
2 the exception of judicial officers, after an elected officer
3 has completed one year of the elected officer's current term
4 of office. Voters may recall elected officers on the grounds
5 that the elected officer in question has been deemed to have
6 been maleficent, incompetent, in violation of his or her oath
7 of office, or is otherwise unfit to continue holding office.

8 (b) The process of recall shall begin when a
9 registered voter has filed a petition of complaint containing
10 the signatures of registered voters equaling at least 20
11 percent of the number of votes cast statewide at the General
12 Election at which the officer to be recalled was elected or
13 within the district if the officer was elected by district.

14 (c) For statewide office holders, the petitioner
15 must collect at least 100 signatures from each county, which
16 number shall then be deducted from the number of signatures
17 required by subsection (b).

18 (d) The Legislature shall enact a general law to
19 establish the form for the petition, the procedure for
20 circulation, and the procedure for determining the validity of
21 the petition.

22 (e) For a recall election, each of the following
23 requirements shall be met:

24 (1) Only a registered voter who has standing may
25 initiate a petition.

26 (2) Intention of circulating the petition on behalf
27 of the petitioner must be provided.

1 (3) The petitioner must give notice to the Secretary
2 of State that he or she intends to begin a recall petition.
3 The notice must be provided in written form and may be
4 provided either electronically, hand-delivered, or mailed.

5 (4) The petitioner shall supply documentation
6 stating in 200 words or less the reasons he or she believes
7 the officer should be removed from office.

8 (5) The petitioner must also pay the Secretary of
9 State a fee equal to the qualification fee for that office.

10 (6) The Secretary of State shall certify the
11 application and verify that all qualifications are met for
12 starting the petition within 15 days of filing the notice.

13 (7) The completed petition shall be submitted within
14 100 days after an affidavit has been filed with the Secretary
15 of State providing notice of intent. The Secretary of State
16 shall certify the petition and ensure within 50 days of
17 receiving the notice that the minimum number of registered
18 voters have signed the petition.

19 (8) If a petition is certified, the Governor, within
20 21 days, shall schedule the recall election.

21 (9) The recall election shall be held within six
22 weeks of the date on which the petition was certified.

23 (10) If an officer is recalled, the current
24 constitutional or statutory method for filling the vacancy
25 shall be applied.

26 (f) The Legislature may enact general law consistent
27 with this amendment to implement this amendment.

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to provide a procedure for recall of certain
14 elected officers.

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."