

1 SB371
2 175612-2
3 By Senator Chambliss (Constitutional Amendment)
4 RFD: Constitution, Ethics and Elections
5 First Read: 22-MAR-16

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, authorizing the
10 Legislature to provide by general law for recall of
11 elected state officials.

12
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 authorize the Legislature to provide by
19 general law for the recall of elected state officials.

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) The Legislature, by general law, may provide a
2 procedure for the electors to recall elected state officers
3 pursuant to this amendment. Recall shall be a method of
4 removal of elected state officers in addition to impeachment
5 or any other procedure now provided by this Constitution or
6 the laws of this state.

7 (b) Any general law enacted pursuant to this
8 amendment authorizing the recall of elected state officials
9 shall contain at a minimum the following provisions:

10 (1) The qualified electors of the state or any
11 judicial circuit or legislative district may petition for the
12 recall of any incumbent elected officer after the first year
13 of the term for which the incumbent was elected by filing a
14 petition with the Secretary of State demanding the recall of
15 the incumbent.

16 (2) Within 90 days after filing with the Secretary
17 of State, the recall petition shall be signed by electors
18 equalling at least 40 percent of the vote cast for the office
19 at the last preceding election in the state or district which
20 the incumbent represents.

21 (3) If the Secretary of State determines that a
22 sufficient number of signatures have been obtained within the
23 90-day period, the Secretary of State shall call a recall
24 election for the sixth Tuesday following the determination.

25 (4) The incumbent shall continue to perform the
26 duties of the office until the recall election results are
27 officially declared.

1 (5) For the purpose of this amendment, a recall
2 election shall be conducted in the same manner as other
3 special elections. At a recall election, the question
4 presented shall be whether the incumbent shall be recalled. If
5 a majority of the electors fail to vote for a recall, the
6 incumbent shall remain in office and complete the term of
7 office for which he or she was initially elected. If a
8 majority of electors vote in favor of a recall, the recall
9 shall create a vacancy in the office. The vacancy shall be
10 filled as provided by law for the office.

11 (6) After one petition and recall election, no
12 further recall petition may be filed against the same officer
13 during the term for which he or she was elected.

14 (c) Grounds for initiating a recall petition shall
15 include one or more of the following during an incumbent's
16 term of office:

17 (1) Malfeasance or nonfeasance.

18 (2) Lack of physical or mental fitness.

19 (3) Incompetence.

20 (4) Violation of an oath of office.

21 (d) The Legislature may enact other general laws not
22 inconsistent with this amendment necessary to implement this
23 amendment.

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284 and 285 of the
26 Constitution of Alabama of 1901, now appearing as Sections 284
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

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

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to provide that the Legislature may enact
10 general laws providing that elected state officials would be
11 subject to recall and to establish the procedure therefor.

12 "Proposed by Act _____."

13 This description shall be followed by the following
14 language:

15 "Yes () No ()."