

1 SB495  
2 130360-1  
3 By Senators Bedford, Sanders, Fielding, Irons, Beasley,  
4 Coleman and Keahey (Constitutional Amendment)  
5 RFD: Constitution, Campaign Finance, Ethics, and Elections  
6 First Read: 24-MAY-11

1 130360-1:n:04/26/2011:MCS/11 LRS2011-2568

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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.

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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 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

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

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

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

(2) Within 90 days after filing with the Secretary of State, the recall petition shall be signed by electors equalling at least 25 percent of the vote cast for the office at the last preceding election in the state or district which the incumbent represents.

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

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

(5) Other candidates may file for the office in the manner provided by law for special elections, provided that no primary elections may be held.

(6) For the purpose of this amendment, a recall election shall be conducted in the same manner as other special elections.

(7) The incumbent or other person who receives the highest number of votes in the recall election shall be elected for the remainder of the term.

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

(c) Grounds for initiating a recall petition shall include any of the following during an incumbent's term of office:

(1) Malfeasance or nonfeasance.

(2) Lack of physical or mental fitness.

### (3) Incompetence.

(4) Violation of an oath of office.

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

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 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 ( )."