

# Senate Joint Resolution 40

Sponsored by Senator ROBLAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes amendment to Oregon Constitution to allow filing of recall petition against officer at any time after officer is elected to term of office that immediately succeeds previous term of office to which officer was elected.

Refers proposed amendment to people for their approval or rejection at next regular general election.

## JOINT RESOLUTION

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

**PARAGRAPH 1.** Section 18, Article II of the Constitution of the State of Oregon, is amended to read:

**Sec. 18. Recall.** (1) Every public officer in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public officer is elected.

(2) Fifteen per cent, but not more, of the number of electors who voted for Governor in the officer's electoral district at the most recent election at which a candidate for Governor was elected to a full term, may be required to file their petition demanding the officer's recall by the people.

(3) They shall set forth in the petition the reasons for the demand.

(4) If the public officer offers to resign, the resignation shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If the public officer does not resign within five days after the petition is filed, a special election shall be ordered to be held within 35 days in the electoral district to determine whether the people will recall the officer.

(5) On the ballot at the election shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than 200 words, the officer's justification of the officer's course in office. The officer shall continue to perform the duties of office until the result of the special election is officially declared. If an officer is recalled from any public office the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause.

(6) The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until the officer has actually held the office six months, *[save and except that it]* **except that:**

**(a) A petition** may be filed against a senator or representative in the legislative assembly at any time after five days from the beginning of the first session after the election of the senator or representative; **and**

**(b) A petition may be filed against an officer at any time after the term to which the officer is elected begins if the term immediately succeeds a previous term of that office to which the officer was elected.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (7) After one such petition and special election, no further recall petition shall be filed against  
2 the same officer during the term for which the officer was elected unless such further petitioners  
3 first pay into the public treasury which has paid such special election expenses, the whole amount  
4 of its expenses for the preceding special election.

5 (8) Such additional legislation as may aid the operation of this section shall be provided by the  
6 legislative assembly, including provision for payment by the public treasury of the reasonable special  
7 election campaign expenses of such officer. But the words, "the legislative assembly shall provide,"  
8 or any similar or equivalent words in this constitution or any amendment thereto, shall not be  
9 construed to grant to the legislative assembly any exclusive power of lawmaking nor in any way to  
10 limit the initiative and referendum powers reserved by the people.

11  
12 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**  
13 **people for their approval or rejection at the next regular general election held throughout**  
14 **this state.**