

RECALL

Table 6.18
STATE RECALL PROVISIONS

<i>State or other jurisdiction</i>	<i>Provision for recall</i>	<i>Officials subject to recall</i>	<i>Constitutional and statutory citations for recall of state officials</i>	<i>Constitutional or statutory language</i>
Alabama	No			
Alaska	Yes	All (a)	Const. Art., 11 § 8; AS § 15.45.470 et seq.	All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected.
Arizona	Yes	All	Const. Art. 8, § 1-6; ARS § 19-201–19-234	Every public officer in the state of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office.
Arkansas	No			
California	Yes	All	Const. Art. 2, § 13-19; CA Election Code § 11000-11386	Recall is the power of the electors to remove an elective officer. Recall of a state officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable.
Colorado	Yes	All	Const. Art. 21, § 1; CRS § 1-12-101–1-12-122, 23-17-120.5, 31-4-501-505	Every elective public officer of the state of Colorado may be recalled from office at any time by the registered electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and shall be in addition to and without excluding any other method of removal by law.
Connecticut	No			
Delaware	No			
Florida	No			
Georgia	Yes	All	Const. Art. 2, § 2.4; GA Code § 21-4-1 et seq.	The General Assembly is hereby authorized to provide by general law for the recall of public officials who hold elective office. The procedures, grounds, and all other matters relative to such recall shall be provided for in such law.
Hawaii	No			
Idaho	Yes	All (a)	Const. Art 6, § 6; ID Code § 34-1701–34-1715	Every public officer in the state of Idaho, excepting the judicial officers, is subject to recall by the legal voters of the state or of the electoral district from which he is elected. The legislature shall pass the necessary laws to carry this provision into effect.
Illinois (b)	No			
Indiana	No			
Iowa	No			
Kansas	Yes	All (a)	Const. Art. 4, § 3; KSA § 25-4301–25-4331	All elected public officials in the State, except judicial officers, shall be subject to recall by voters of the state or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by law.
Kentucky	No			
Louisiana	Yes	All (a)	Const. Art. 10, § 26; LRS § 18:1300.1–18:1300.17	The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal officer except judges of the courts of record. The sole issue at a recall election shall be whether the official shall be recalled.
Maine	No			
Maryland	No			
Massachusetts	No			

See footnotes at end of table.

STATE RECALL PROVISIONS— Continued

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Michigan	Yes	All (a)	Const. Art. 2, §8;MCL § 168.951–168.975	Laws shall be enacted to provide for the recall of all elective officers except judges of courts of record upon petition of electors equal in number to 25 percent of the number of persons voting in the last preceding election for the office of governor in the electoral district of the officer sought to be recalled. The sufficiency of any statement of reasons or grounds procedurally required shall be a political rather than a judicial question.
Minnesota	Yes	(c)	Const. Art. 8, § 6; MS § 211C.01 et. seq.	A state officer other than a judge may be subject to recall for serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office for a serious crime.
Mississippi	No			
Missouri	No			
Montana	Yes	All	Mont. Code § 2-16-601– 2-16-635	Every person holding a public office of the state or any of its political subdivisions, either by election or appointment, is subject to recall from such office.
Nebraska	No			
Nevada	Yes	All	Const. Art. 2, § 9; NRS § 294A.006, Chapter 306	Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality which he represents.
New Hampshire	No			
New Jersey	Yes	All	Const. Art. 1, § 2; NJRS § 19:27A-1–19:27A-18	The people reserve unto themselves the power to recall, after at least one year of service, any elected official in this State or representing this State in the United States Congress.
New Mexico	No			
New York	No			
North Carolina	No			
North Dakota	Yes	All (d)	Const. Art. 3, § 1 and 10; ND Century Code § 16. 1-01-09.1	Any elected official of the state, of any county or of any legislative or county commissioner district shall be subject to recall by petition of electors equal in number to twenty-five percent of those who voted at the preceding general election for the office of governor in the state, county, or district in which the official is to be recalled.
Ohio	No			
Oklahoma	No			
Oregon	Yes	All (d)	Const. Art. 2, § 18; ORS § 249.865–249.880	Every public official in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public official is elected.
Pennsylvania	No			
Rhode Island	Yes	(e)	Const. Art. 4, § 1	Recall is authorized in the case of a general officer who has been indicted or informed against for a felony, convicted of a misdemeanor, or against whom a finding of probable cause of violation of the code of ethics has been made by the ethics commission.
South Carolina	No			
South Dakota	No			

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Tennessee	No			
Texas.....	No			
Utah.....	No			
Vermont	No			
Virginia	No (f)			
Washington	Yes	All (a)	Const. Art. 1, Sec. 33-34; WRC §29.82-010 -29.82.220	Every elective public officer of the state of Washington except judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, . . . is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.
West Virginia	No			
Wisconsin	Yes	All	Const. Art. 13, §12; Wisc. Stat. §9.10	The qualified electors of the state, of any congressional, judicial or legislative district or of any county may petition for the recall of any incumbent elective officer after the first year of the term for which the incumbent was elected, by filing a petition with the filing officer with whom the nomination petition is filed, demanding the recall of the incumbent.
Wyoming.....	No			
No. Marianas Islands...	Yes	All	N.A.	N.A.
Puerto Rico	Yes	All	N.A.	N.A.
U.S. Virgin Islands	Yes	All	Constitutional and statutory citations exist	N.A.

Sources: The Council of State Governments, state constitutions and statutes, February 2010.

Note: This table refers only to officials elected to statewide office. Many local governments allow recall of elected officials.

N.A. Not available

(a) Except judicial.

(b) The state of Illinois will vote on a Constitutional Amendment 31, a legislatively referred amendment, on Nov. 2, 2010. The amendment if passed will allow for recall of the governor.

(c) State executive officers, legislators, and judicial officers.

(d) Except for U.S. Congress.

(e) Governor, Lieutenant Governor, Secretary of State, Treasurer, and Attorney General.

(f) Virginia permits a recall trial not a recall election.