

Table 6.20
STATE RECALL PROVISIONS: PETITION REVIEW, APPEAL AND ELECTION

State or other jurisdiction	Signatures verified (a) by:	Days to amend/appeal a petition that is:		Penalty for falsifying petition (denotes fines, jail time)	Days allowed for petition to be certified (d)	Days to step down after certification (e)	Voting on the recall (f)		Days to contest election results (g)
		Incomplete (b)	Not accepted (c)				Election held	Election type	
Alabama .....	...	...	...	...	...	...	...	...	...
Alaska	Division of Elections	20	20	Class B misdemeanor	30	1	60-90 days after cert.	GE,PR,SP	10
Arizona	Co. recorder	...	...	Class 1 misdemeanor	70	5	(h)	(i)	5
Arkansas.....	...	...	...	...	...	...	...	...	...
California.....	Co. clerk/registrar of voters	10	10	...	10	(j)	60-80 days after cert.	GE	5
Colorado.....	SS	...	15 (k)	...	10	5	45-75 days after cert.	SP or GE	10
Connecticut.....	...	...	...	...	...	...	...	...	...
Delaware.....	...	...	...	...	...	...	...	...	...
Florida.....	...	...	...	...	...	...	...	...	...
Georgia.....	Registrar of voters	...	...	Misdemeanor	30-45	...	30-45 days after cert.	SP	5
Hawaii.....	...	...	...	...	...	...	...	...	...
Idaho.....	Co. clerk	30	...	\$5,000, 2 yrs.	10	5	45+ days after cert. (l)	SP, PR, GE (l)	20 (m)
Illinois.....	...	...	...	...	...	...	...	...	...
Indiana.....	...	...	...	...	...	...	...	...	...
Iowa.....	...	...	...	...	...	...	...	...	...
Kansas.....	Co. clerk	...	...	Class B misdemeanor; up to \$1,000, up to one year or both.	30	Next day	60-90 days after cert.	SP	5 (m)
Kentucky.....	...	...	...	...	...	...	...	...	...
Louisiana.....	Registrar of voters	(n)	(n)	...	15-20 days	(o)	(p)	SP	(q)
Maine.....	...	...	...	...	...	...	...	...	...
Maryland.....	...	...	...	...	...	...	...	...	...
Massachusetts.....	...	...	...	...	...	...	...	...	...
Michigan.....	SS, local election officials (r)	...	...	\$500, 90 days	35	...	(s)	SP	2 (m)
Minnesota.....	SS	90	...	Felony	10	...	(t)	GE	7
Mississippi.....	...	...	...	...	...	...	...	...	...
Missouri.....	...	...	...	...	...	...	...	...	...
Montana.....	Co. election administrators	10	10	\$500 or six months in Co. jail, or both.	(u)	5	(v)	SP or GE (dd) (v)	12 mos.
Nebraska.....	Co. clerk	...	...	...	15	5	30-45 days after cert.	SP	40
Nevada.....	Co. clerk, registrar of voters	5	...	Misdemeanor	(w)	5	(x)	SP	(y)
New Hampshire.....	...	...	...	...	...	...	...	...	...
New Jersey.....	Recall elections official	...	...	Crime of the 4th degree	10	5	(z)	SP or GE	(aa)
New Mexico.....	...	...	...	...	...	...	...	...	...
New York.....	...	...	...	...	...	...	...	...	...
North Carolina.....	...	...	...	...	...	...	...	...	...
North Dakota.....	SS	...	...	...	30	10	50-60	SP	14 (bb)
Ohio.....	...	...	...	...	...	...	...	...	...
Oklahoma.....	...	...	...	...	...	...	...	...	...
Oregon.....	Co. clerk	(cc)	...	(dd)	10	5	w/i 35 days after resignation period	SP	40
Pennsylvania.....	...	...	...	...	...	...	...	...	...
Rhode Island.....	SBE	w/i 90 days	...	Misdemeanor and/or felony	90	...	...	SP	...
South Carolina.....	...	...	...	...	...	...	...	...	...

See footnotes at end of table.

STATE RECALL PROVISIONS: PETITION REVIEW, APPEAL AND ELECTION — Continued

State or other jurisdiction	Signatures verified (a) by:	Days to amend/appeal a petition that is:		Penalty for falsifying petition (denotes fines, jail time)	Days allowed for petition to be certified (d)	Days to step down after certification (e)	Voting on the recall (f)		Days to contest election results (g)
		Incomplete (b)	Not accepted (c)				Election held	Election type	
South Dakota.....	...	...	...	...	...	...	...	...	...
Tennessee.....	...	...	...	...	...	...	...	...	...
Texas.....	...	...	...	...	...	...	...	...	...
Utah.....	...	...	...	...	...	...	...	...	...
Vermont.....	...	...	...	...	...	...	...	...	...
Virginia.....	...	...	...	...	...	...	...	...	...
Washington.....	SS	30	...	Class B felony or misdemeanor	not specified	...	45–60 days after cert. (ee)	SP	3
West Virginia.....	...	...	...	...	...	...	...	...	...
Wisconsin.....	SBE	...	...	Class 1 felony—\$10,000, 3 yrs. prison or both.	31	10	6 weeks after cert.	GE or PR	3 (ff)
Wyoming.....	...	...	...	...	...	...	...	...	...
American Samoa.....	...	...	...	...	...	...	...	...	...
No. Mariana Islands...	AG	150 days	...	Statute governs fraud or perjury.	15 days	...	(gg)	GE, SP	30
Puerto Rico.....	...	...	...	...	...	...	...	...	...
U.S. Virgin Islands.....	Office of the Supervisor of Elections	...	...	...	10	IM	...	GE	5

Sources: The Council of State Governments February 2010.

Key:

... — Not applicable.

SBE — State Board of Elections.

SS — Secretary of State.

SP — Special election.

GE — General election.

PR — Primary election.

IM — Immediate and automatic removal from office.

w/i — Within

N.A. — Information not available.

(a) The validity of the signatures, as well as the correct number of required signatures must be verified before the recall is allowed on the ballot.

(b) If an insufficient number of signatures are submitted, sponsors may amend the original petition by filing additional signatures within a given number of days. If the necessary number of signatures have not been submitted by this date, the petition is declared void.

(c) In some cases, the state officer will not accept a valid petition. In such a case, sponsors may appeal this decision to the Supreme Court, where the sufficiency of the petition will be determined. When this is declared, the recall is required to be placed on the ballot.

(d) A petition is certified for the ballot when the required number of signatures has been submitted by the filing deadline, and are determined to be valid.

(e) The official to whom a recall is proposed has a certain number of days to step down from his position before a recall election is initiated, if he desires to do so.

(f) A majority of the popular vote is required to recall an official in each state.

(g) Individuals may contest the results of a vote on a recall within a certain number of days after the results are certified. In Alaska, an appeal to courts must be filed within five days of the recount.

(h) The election order is issued within 15 days if the officer does not resign within five days after certification.

(i) To be held on the next consolidated election date pursuant to § 16-204 that is 90 days or more after the order calling the election (A.R.S. § 19-209(A)).

(j) Prior to election being called.

(k) After determination of sufficiency.

(l) In Idaho, the dates on which elections may be conducted are the first Tuesday in February, the fourth Tuesday in May, the first Tuesday in August, or the Tuesday following the first Monday in November. In addition, an emergency election may be called upon motion of the governing board of a political subdivision. Recall elections conducted by any political subdivision shall be held on the nearest of these dates which falls more than 45 days after the clerk of the political subdivision orders that the recall election shall be held.

(m) After election is certified. In Michigan, if a petition is filed against a local officer, a recount can be requested up to 6 days after certification of recall election.

(n) The Registrar of Voters shall honor the written request of any voter who either desires to have his handwritten signature stricken from or added to the petition at any time prior to certification of the petition, or within five days after receipt of such signed petition, whichever is earlier.

(o) (y) Election returns are certified on the fifth day after the election, and the office is immediately vacant.

(p) The local registrar of voters sends the original certified recall petition to the governor, who issues, within 15 days, a proclamation calling a special election, placing the special election on the next regularly scheduled election date.

(q) Not later than 4:30 p.m. of the 30th day after the official promulgation of the results of the election. Promulgation is on or before the 12th day after the election.

(r) Secretary of state if filed on the state level; county or local clerks if filed on county level.

(s) Under Michigan's consolidated elections, the recall election is held on the next fixed election date that falls at least 95 days after the recall petition is filed.

(t) An election will not be held in the last 6 mos. of a term after certification.

(u) County election administrators have 30 days; sponsor has three mos. to submit the petition from the date of certification.

(v) A special election is called unless the filing is within 90 days of a general election.

STATE RECALL PROVISIONS: PETITION REVIEW, APPEAL AND ELECTION — Continued

(w) Within four days, county clerks count signature totals and forward to the Secretary of State. The Secretary of State immediately notifies the clerks if they are to proceed with signature verification.

(x) In Nevada, a recall election is held 10-20 days after the Secretary of State completes notification of the petition sufficiency unless a complaint is filed, the clerk shall issue a call for the election which is to be held within 30 days after the issuance of the call.

(y) Five days after recount is completed or 14 days after the election if no recount is demanded.

(z) New Jersey Permanent Statutes, 19:27A-13. In the case of an office which is ordinarily filled at the general election, a recall election shall be held at the next general election occurring at least 55 days following the fifth business day after service of certification, unless it was indicated in the notice of intention to recall that the recall election shall be held at a special election in which case the recall election official shall order and fix the date for holding the recall election to be the next Tuesday occurring during the period beginning with the 55th

day and ending on the 61st day following the fifth business day after service of the certification of the petition.

(aa) New Jersey Permanent Statutes, 19:27A-16.

(bb) Fourteen days after the canvas board has certified the results.

(cc) Chief petitioners may submit additional signatures if the deadline for submitting signatures has not passed.

(dd) Whether a penalty is assessed would depend on what information on the petition was falsified.

(ee) If possible to be held on a regularly scheduled election; cannot be held between the primary and general.

(ff) Business days.

(gg) The election is held at the next regular general election or at a special election set forth in the recall petition.