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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1240 Session of  
2015

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INTRODUCED BY TEPLITZ AND BREWSTER, JUNE 14, 2016

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REFERRED TO STATE GOVERNMENT, JUNE 14, 2016

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AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, providing for the recall election of  
3 elected officials.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 65 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 14

9 RECALL ELECTION

10 Sec.

11 1401. Definitions.

12 1402. Sole grounds for recall.

13 1403. Recall election proceedings.

14 1404. Recall election.

15 1405. Rules and regulations.

16 § 1401. Definitions.

17 The following words and phrases when used in this chapter  
18 shall have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

1 "Challenger." A candidate to replace a recalled elected  
2 official, who may not himself be an elected official subject to  
3 recall.

4 "General appropriation bill." The bill that includes the  
5 yearly appropriations for the Commonwealth, as required under  
6 section 11 of Article III of the Constitution of Pennsylvania.  
7 § 1402. Sole grounds for recall.

8 In accordance with section 18 of Article II of the  
9 Constitution of Pennsylvania, the Governor, Lieutenant Governor  
10 and each member of the General Assembly shall be subject to  
11 recall by the voters of this Commonwealth or the political  
12 subdivision from which the public official was elected if a  
13 general appropriation bill is not signed into law by 11:59 p.m.  
14 on December 31 after the beginning of a fiscal year.  
15 § 1403. Recall election proceedings.

16 (a) Suspension prohibited.--If a general appropriation bill  
17 is not signed into law by 11:59 p.m. on December 31 after the  
18 beginning of a fiscal year, the recall election under section  
19 1404 (relating to recall election) is automatically initiated  
20 and may not be suspended or canceled even if a general  
21 appropriation bill is subsequently enacted for that fiscal year.

22 (b) Leaving office.--Each recalled official shall leave  
23 office on the fourth Tuesday following the runoff election. The  
24 unsuccessful incumbent in the election shall leave office on the  
25 fourth Tuesday following the election.

26 (c) Governor.--A recalled Governor may not issue any  
27 executive order or make any appointment subject to Senate  
28 confirmation between the date of the recall election and the  
29 runoff election or, if he loses the runoff election, between the  
30 date of the runoff and the date of leaving office.

1 § 1404. Recall election.

2 (a) Date of election.--The recall election shall occur on  
3 the same date as the following primary election day. Petitions  
4 to appear on a recall ballot as a challenger shall be conducted  
5 in the manner provided under the act of June 3, 1937 (P.L.1333,  
6 No.320), known as the Pennsylvania Election Code.

7 (b) Ballot.--The following shall apply:

8 (1) The ballot shall ask if the elector would like to  
9 recall the appropriate elected officials. If the elector  
10 chooses yes, the elector will then place a vote for his  
11 desired candidates among the challengers.

12 (2) The required number of votes to recall an elected  
13 official shall be 50% of the total votes plus one vote.

14 (c) Runoff election.--If no single candidate receives the  
15 majority of votes required under subsection (b)(2), the top  
16 challengers whose combined votes total at least 50% of the total  
17 votes cast shall participate in a runoff election. The runoff  
18 election shall occur on the fourth Tuesday following the recall  
19 election.

20 (d) Governor and Lieutenant Governor.--The Governor and  
21 Lieutenant Governor and the challengers for the governorship  
22 shall appear on a single recall election ballot. If the  
23 incumbent Governor is successfully recalled, he and the  
24 incumbent Lieutenant Governor shall be subject to section  
25 1403(b) (relating to recall election proceedings). The newly  
26 elected Governor shall select a Lieutenant Governor within 30  
27 days, who shall be confirmed by a three-fourths majority of the  
28 Senate and the House of Representatives before taking office.

29 § 1405. Rules and regulations.

30 The Secretary of the Commonwealth may promulgate rules and

1 regulations necessary to administer this chapter.

2 Section 2. This act shall take effect immediately.