

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. J. RES. 109

Proposing an amendment to the Constitution of the United States providing for the recall of Senators and Representatives.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Mr. PAXON introduced the following joint resolution; which was referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States providing for the recall of Senators and Representatives.

1        *Resolved by the Senate and House of Representatives*  
2        *of the United States of America in Congress assembled*  
3        *(two-thirds of each House concurring therein), That the fol-*  
4        *lowing article is proposed as an amendment to the Con-*  
5        *stitution of the United States, which shall be valid to all*  
6        *intents and purposes as part of the Constitution when*

1 ratified by the legislatures of three-fourths of the several  
2 States:

3 “ARTICLE —

4 “SECTION 1. A person may not serve the remainder  
5 of any term as a Senator or Representative if the person  
6 has been recalled from such office pursuant to this article.

7 “SECTION 2. A person qualified to elect a Senator  
8 or Representative from a State may register with the execu-  
9 tive authority of the State a petition requesting that the  
10 Senator or Representative be recalled. The person may not  
11 register the petition during the 150-day period before, or  
12 the 60-day period after, a general or special election in  
13 which the Senator or Representative is a candidate for  
14 election or reelection to such office. A person qualified to  
15 elect the Senator or Representative may sign the petition  
16 during the 120-day period beginning on the registration  
17 date. Not later than the 1st business day after such pe-  
18 riod, the registrant shall file the petition with the executive  
19 authority.

20 “SECTION 3. Within 30 days after the date any recall  
21 petition is filed with the executive authority of a State  
22 under this article, the executive authority shall determine  
23 if the petition bears valid signatures in a number not less  
24 than 20 percent of the number of votes legally cast in the  
25 most recent Presidential election by persons who are quali-

1 fied to elect the Senator or Representative who the peti-  
2 tion requests to be recalled. On the date of any determina-  
3 tion that a petition bears such number of valid signatures,  
4 the executive authority shall deliver a certified copy of the  
5 petition to the Senator or Representative who the petition  
6 requests to be recalled. Within 7 days after any such de-  
7 termination, the executive authority shall call for a vote  
8 of persons qualified to elect the Senator or Representative  
9 on the question of whether the Senator or Representative  
10 shall be recalled. Such question shall be the only question  
11 posed to such persons during the vote. The vote shall be  
12 held within 30 days after the 60-day period beginning on  
13 the date the executive authority calls for the vote.

14       “SECTION 4. The executive authority of a State shall  
15 certify the results of any vote taken in the State under  
16 this article. If a majority of the persons who participate  
17 in any such vote choose to recall a Senator or Representa-  
18 tive, the Senator or Representative shall vacate such office  
19 on the date of any such certification. If a majority of the  
20 persons who participate in any such vote choose not to  
21 recall a Senator or Representative, the Senator or Rep-  
22 resentative shall not be recalled during the remainder of  
23 the term of office in which the vote was taken.”.

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