

HJR004S01 compared with HJR004

~~deleted text~~ shows text that was in HJR004 but was deleted in HJR004S01.

inserted text shows text that was not in HJR004 but was inserted into HJR004S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Gage Froerer proposes the following substitute bill:

JOINT RESOLUTION ON RECALL ELECTIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to allow the removal of specified officers by recall election.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ make the Governor, State Auditor, State Treasurer, ~~and~~ Attorney General, Senator, and Representative subject to removal from office by a recall election, as provided in statute.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2015 for this proposal.

Utah Constitution Sections Affected:

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AMENDS:

ARTICLE VII, SECTION 11

ENACTS:

ARTICLE VI, SECTION 34

ARTICLE VII, SECTION 25

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to ~~amend~~enact Utah Constitution Article ~~VII~~VI, Section ~~11~~34, to read:

Article VI, Section 34. [Removal of legislator by recall election.]

A senator or representative is subject to removal from office by a recall election, as provided by statute.

Section 2. It is proposed to amend Utah Constitution, Article VII, Section 11, to read:

Article VII, Section 11. [Vacancy in office of Governor -- Determination of disability.]

(1) A vacancy in the office of Governor occurs when:

(a) the Governor dies, resigns, is removed from office following impeachment or recall election, ceases to reside within the state, or is determined, as provided in Subsection (6), to have a disability that renders the Governor unable to discharge the duties of office for the remainder of the Governor's term of office; or

(b) the Governor-elect fails to take office because of the Governor-elect's death, failure to qualify for office, or disability, determined as provided in Subsection (6), that renders the Governor-elect unable to discharge the duties of office for the Governor-elect's full term of office.

(2) If a vacancy in the office of Governor occurs, the Lieutenant Governor shall become Governor, to serve:

(a) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(b) for the remainder of the unexpired term, if the vacancy occurs after the first year of

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the term of office.

(3) (a) In the event of simultaneous vacancies in the offices of Governor and Lieutenant Governor, the President of the Senate shall become Governor, to serve:

(i) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(ii) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(b) In the event of simultaneous vacancies in the offices of Governor, Lieutenant Governor, and President of the Senate, the Speaker of the House of Representatives shall become Governor, to serve:

(i) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(ii) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(4) If a vacancy in the office of Governor occurs during the first year of the term of office, an election shall be held at the next regular general election after the vacancy occurs to elect a Governor and Lieutenant Governor, as provided in Article VII, Section 2, to serve the remainder of the unexpired term.

(5) (a) If the Governor is temporarily unable to discharge the duties of the office because of the Governor's temporary disability, as determined under Subsection (6), or if the Governor-elect is temporarily unable to assume the office of Governor because of the Governor-elect's temporary disability, as determined under Subsection (6), the powers and duties of the Governor shall be discharged by the Lieutenant Governor who, in addition to discharging the duties of the office of Lieutenant Governor, shall, without additional compensation, act as Governor until the disability ceases.

(b) (i) If, during a temporary disability of the Governor or Governor-elect, as determined under Subsection (6), a vacancy in the office of Lieutenant Governor occurs or the Lieutenant Governor is temporarily unable to discharge the duties of the office of Governor because of the Lieutenant Governor's temporary disability, as determined under Subsection (6),

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the powers and duties of the Governor shall be discharged by the President of the Senate who shall act as Governor until the Governor or Governor-elect's disability ceases or, in the case of the Lieutenant Governor's temporary disability, the Lieutenant Governor's disability ceases, whichever occurs first.

(ii) If, during a temporary disability of the Governor or Governor-elect, as determined under Subsection (6), neither the Lieutenant Governor nor the President of the Senate is able to discharge the duties of the office of Governor because of a vacancy in the office of Lieutenant Governor or President of the Senate, or both, or because of a temporary disability of either or both officers, as determined under Subsection (6), or a combination of vacancy and temporary disability, the powers and duties of the Governor shall be discharged by the Speaker of the House of Representatives who shall act as Governor until the Governor's disability ceases or until the vacancy, if applicable, in the office of President of the Senate is filled or the temporary disability, if applicable, of the Lieutenant Governor or President of the Senate ceases, whichever occurs first.

(c) (i) During the time that the President of the Senate acts as Governor under this Subsection (5), the President may not exercise the powers and duties of President of the Senate or Senator. The powers and duties of President of the Senate may be exercised during that time by an acting President, chosen by the Senate.

(ii) During the time that the Speaker of the House of Representatives acts as Governor under this Subsection (5), the Speaker may not exercise the powers and duties of Speaker of the House of Representatives or Representative. The powers and duties of Speaker of the House of Representatives may be exercised during that time by an acting Speaker, chosen by the House of Representatives.

(d) When acting as Governor under this Subsection (5), the President of the Senate or Speaker of the House of Representatives, as the case may be, shall be entitled to receive the salary and emoluments of the office of Governor.

(6) (a) A disability of the Governor, Governor-elect, or person acting as Governor shall be determined by:

(i) the written declaration of the Governor, Governor-elect, or person acting as Governor, transmitted to the Supreme Court, stating an inability to discharge the powers and duties of the office; or

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(ii) a majority of the Supreme Court upon the joint request of the President or, if applicable, acting President of the Senate and the Speaker or, if applicable, acting Speaker of the House of Representatives.

(b) The Governor or person acting as Governor shall resume or, in the case of a Governor-elect, shall assume the powers and duties of the office following a temporary disability upon the written declaration of the Governor, Governor-elect, or person acting as Governor, transmitted to the Supreme Court, that no disability exists, unless the Supreme Court, upon the joint request of the President or, if applicable, acting President of the Senate and the Speaker or, if applicable, acting Speaker of the House of Representatives, or upon its own initiative, determines that the temporary disability continues and that the Governor, Governor-elect, or person acting as Governor is unable to discharge the powers and duties of the office.

(c) Each determination of a disability under Subsection (6)(a) shall be final and conclusive.

(7) The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Section ~~{2}~~3. It is proposed to enact Utah Constitution Article VII, Section 25, to read:

Article VII, Section 25. [Removal of officers by recall election.]

The Governor, State Auditor, State Treasurer, and Attorney General are subject to removal from office by a recall election, as provided by statute.

Section ~~{3}~~4. **Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section ~~{4}~~5. **Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those ~~f~~ voting on it at the next regular general election, the amendment shall take effect on January 1, 2015.

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Legislative Review Note

~~as of 11-20-13 6:19 PM~~

~~Office of Legislative Research and General Counsel}~~