

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6390**

**BILL NUMBER:** HB 1405

**NOTE PREPARED:** Dec 9, 2008

**BILL AMENDED:**

**SUBJECT:** Recall of elected and appointed officials.

**FIRST AUTHOR:** Rep. Stevenson

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes a procedure for the recall of a person who holds a state, legislative, local, or school board office (other than a justice, judge, or prosecuting attorney) or who is appointed to an office of the state or a political subdivision. It requires that a recall petition must be signed by at least 10% of the registered voters in the jurisdiction served by the official (or at least 10% of the total vote in the last election for Secretary of State if the official holds an elected state office). It removes an officeholder if: (1) at least 60% of the votes cast; or (2) a majority of the registered voters in the election district; vote for the recall. The bill also specifies that a commissioner of a police and fire merit commission may be removed by the recall procedure under current law.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Summary* - The Election Commission will incur additional expenses to provide forms for an application and a certified recall petition. The Election Commission's current level of resources should be sufficient to cover the associated costs of producing these forms.

There will probably be an administrative impact on the Secretary of State who would be required to examine the petitions and voter registration lists for recall petitions involving state officials. This impact is indeterminable because it would depend upon how often the procedure is pursued.

If the request for a recall is denied by the Secretary of State, the petitioner must be immediately notified by certified mail. U.S. Postal Service rates for certified mail are \$2.70 plus \$0.83 for first class postage or, if sent by priority mail, \$4.80 per envelope. A return receipt by mail will cost \$2.20, or \$1.00 if sent electronically.

Background Information - A successful petition for recall of a statewide office must be signed by the number of voters equaling at least 10% of the total votes cast for the most recent Secretary of State election. At least 1% of the minimum number of voters must be from each of five different counties, where not more than half of the 10% minimum total may be from any one county. In the 2006 general election for Secretary of State, 1,637,098 votes were cast. Ten percent of the votes would be 163,079.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** A recall election would be mandated if a certified recall petition is signed by at least 10% of the registered voters in the election district served by an elected official or the political subdivision served by an appointed official. The certified recall petition would be scheduled for either the next primary, general, or municipal election, which would minimize any increase in costs due to the reprinting of election ballots, precinct election board expenses, and facility rental.

There will probably be an administrative impact on circuit court clerks who would be required to examine the petitions and voter registration lists for recall petitions involving local officials. This impact is indeterminable because it would depend upon how often the procedure is pursued.

If the request for a recall is denied by the circuit court clerk, the petitioner must be immediately notified by certified mail. U.S. Postal Service rates for certified mail are \$2.70 plus \$0.83 for first class postage or, if sent by priority mail, \$4.80 per envelope. A return receipt by mail will cost \$2.20, or \$1.00 if sent electronically.

**Explanation of Local Revenues:**

**State Agencies Affected:** Election Commission, Election Division.

**Local Agencies Affected:** Office of Circuit Court Clerk, County election boards.

**Information Sources:** U.S. Postal Service, <http://www.usps.com/prices/welcome.htm>; Office of the Indiana Secretary of State, <http://www.in.gov/sos/index.html>.

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