

ภาคผนวก ก.

รัฐธรรมนูญแห่งมลรัฐแคลิฟอร์เนียว่าด้วยการเสนอกฎหมาย  
ลงประชามติและการปลดออกจากตำแหน่ง

CALIFORNIA CONSTITUTION

ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL

SECTION 1. All political power is inherent in the people.

Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

SEC. 2. A United States citizen 18 years of age and resident in this State may vote.

SEC. 2.5. A voter who casts a vote in an election in accordance with the laws of this State shall have that vote counted.

SEC. 3. The Legislature shall define residence and provide for registration and free elections.

SEC. 4. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.

SEC. 5. (a) The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose

names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

(b) A political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party's candidates.

SEC. 6. (a) All judicial, school, county, and city offices shall be nonpartisan.

(b) No political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office.

SEC. 7. Voting shall be secret.

SEC. 8. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

(e) An initiative measure may not include or exclude any political

subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.

(f) An initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.

SEC. 9. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after the enactment date of the statute, a petition certified to have been signed by electors equal

in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

In the case of a statute enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, the petition may not be presented on or after January 1 next following the enactment date unless a copy of the petition is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II before January 1.

(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

SEC. 10. (a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a referendum petition is filed against a part of a statute the remainder shall not be delayed from going into effect.

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors.

SEC. 11. (a) Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. Except as provided in subdivisions (b) and (c), this section does not affect a city having a charter.

(b) A city or county initiative measure may not include or exclude any part of the city or county from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city or county or any part thereof.

(c) A city or county initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.

SEC. 12. No amendment to the Constitution, and no statute proposed to the electors by the Legislature or by initiative, that names any individual to hold any office, or names or identifies any private corporation to perform any function or to have any power or duty, may be submitted to the electors or have any effect.

SEC. 13. Recall is the power of the electors to remove an elective officer.

SEC. 14. (a) Recall of a state officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, members of the Assembly, members of the Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

(c) The Secretary of State shall maintain a continuous count of the signatures certified to that office.

SEC. 15. (a) An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures.

(b) A recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at

that next regularly scheduled election equal at least 50 percent of all the voters eligible to vote at the recall election.

(c) If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI.

SEC. 16. The Legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election.

SEC. 17. If recall of the Governor or Secretary of State is initiated, the recall duties of that office shall be performed by the Lieutenant Governor or Controller, respectively.

SEC. 18. A state officer who is not recalled shall be reimbursed by the State for the officer's recall election expenses legally and personally incurred. Another recall may not be initiated against the officer until six months after the election.

SEC. 19. The Legislature shall provide for recall of local officers. This section does not affect counties and cities whose charters provide for recall.

SEC. 20. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires.



# STATE CONSTITUTION

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พระราชบัญญัติว่าด้วยการปลดออกจากตำแหน่งและการเสนอกฎหมาย  
(*The Recall and Initiative Act*)  
มณฑลบริติช โคลัมเบีย(British Columbia) ประเทศแคนาดา

RECALL PETITIONS

The *Recall and Initiative Act* (RSBC 1996, c. 398) allows voters in British Columbia to remove a Member of the Legislative Assembly between elections. Any individual can apply to the Chief Electoral Officer for a Petition for the recall of the Member for the electoral district in which the applicant is registered to vote. A Member cannot be recalled during the first 18 months after election. If the application for a Petition is complete and meets the requirements of the Act, a petition is issued and the proponent has 60 days to collect signatures from 40% of the voters who were registered to vote in the Member's electoral district at the last election and who are currently registered to vote in British Columbia. If the petition is successful, the Member ceases to hold office and a By-Election must be called within 90 days. British Columbia is the only jurisdiction in Canada with recall legislation. *The Recall and Initiative Act* was brought into force on February 24, 1995

RECALL AND INITIATIVE ACT

[RSBC 1996] CHAPTER 398

Part 3 — Recall

Division 1 — Recall Petition

Application for recall petition

- 19 (1) A registered voter for an electoral district may apply under subsection (2) for the issuance of a petition for the recall of the Member of the Legislative Assembly for that electoral district.



(2) The application for the issuance of a recall petition must be made to the chief electoral officer and contain the following:

(a) the name of the Member;

(b) the name and residential address of the applicant;

(c) a statement, not exceeding 200 words, setting out why, in the opinion of the applicant, the recall of the Member is warranted;

(d) a solemn declaration of the applicant that he or she is not disqualified under this Act from making the application;

(e) any other information that may be prescribed.

(3) The application for the issuance of a recall petition must be accompanied by a processing fee of \$50.

(4) No application for the issuance of a recall petition may be made during the 18 months following general voting day for the last election of the Member.

#### **Issue of recall petition**

20 (1) If satisfied that the requirements of section 19 have been met, the chief electoral officer must

(a) notify the proponent, the Member in relation to whom the petition is to be issued and the Speaker that the application has been approved in principle, and

(b) issue the petition in the form set out in the regulations within 7 days after notice is given in accordance with paragraph (a).

(2) A recall petition must be signed within 60 days from the date on which it is issued by the chief electoral officer.

(3) Once an application has received approval in principle, it may be inspected at the office of the chief electoral officer during its regular office hours.

#### **Who may sign a recall petition**

21 (1) In order to sign a recall petition, an individual

(a) must have been a registered voter for the electoral district for which the Member was elected on general voting day for the last election of the Member, and

(b) on the date he or she signs the petition, must be a registered voter for an electoral district in British Columbia.

(2) An individual may sign any one recall petition only once.

(3) An individual who signs a recall petition must also indicate his or her residential address on the petition.

#### **Who may canvass for signatures**

22 (1) A registered voter may canvass for signatures on a recall petition if, before the date on which he or she begins canvassing,

(a) the voter has been resident in British Columbia for at least 6 months, and

(b) the voter has registered his or her name and residential address with the chief electoral officer.

(2) A person must not, directly or indirectly, accept any inducement for canvassing for signatures on a recall petition.

(3) A person must not, directly or indirectly, pay, give, lend or procure any inducement for a person who canvasses for signatures on a recall petition.

#### **Requirements for recall petition**

23 (1) A recall petition must comply with the following requirements:

(a) the petition must be submitted to the chief electoral officer within 60 days after the date on which the petition was issued under section 20;

(b) the petition must be signed by more than 40% of the total number of individuals who are entitled to sign the recall petition under section 21.

(2) To be counted for the purpose of subsection (1) (b), a signature on the petition must be accompanied by the residential address of the individual who signed and must be witnessed by the individual who canvassed the signature.

#### **Time limit for determination**

24 When a recall petition is submitted to the chief electoral officer, he or she must determine within 42 days and in accordance with the regulations, if any, whether the petition meets the requirements of section 23.

#### **Result of successful recall petition**

25 (1) If the chief electoral officer determines that

(a) the recall petition meets the requirements of section 23, and

(b) the proponent has complied with Part 7,

the Member ceases to hold office and the seat of the Member becomes vacant.

(2) The chief electoral officer must report to the Member and to the Speaker of the Legislative Assembly as soon as possible after making a determination under subsection (1).

## Division 2 — By-election

### Election

26 When a Member's office becomes vacant as the result of a recall petition, an election must be held to fill the vacancy in accordance with section 35 of the *Constitution Act*.

### Prohibition on multiple elections with respect to the same electoral district

27 Only one election for any electoral district may be held under this Act during the period between general elections.

### Application of *Election Act*

28 The *Election Act* applies to an election under this Act.

พระราชบัญญัติกระบวนการเสนอกฎหมาย การลงประชามติ และการปลด  
ออกจากตำแหน่ง(Initiative, Referendum and Recall Procedures Act)แห่งเมืองดิสตริก  
ออฟ โคลัมเบีย

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## 3 DCMR Chapter 4: Hearings

### 1100 Commencement of the Recall Process

1100.1 In order to commence recall proceedings against an elected official, a registered qualified elector shall file a notice of intention to recall with the Board in accordance with the provisions of this chapter and DC Code §11321 (1981).

1100.2 In accordance with the provisions of DC Code §11321(a) (1981), the Board shall not accept a notice of intention to recall the Delegate to the U. S. House of Representatives.

1100.3 In accordance with the provisions of DC Code §11321(c) (1981), the Board shall not accept a notice of intention to recall which is filed within the first or last three hundred sixtyfive (365) days of the term of an elected official, other than a member of an Advisory Neighborhood Commission, or within the same period after a recall election which was decided in the official's favor.

1100.4 In accordance with the provisions of DC Code §1-11321(c)(1981), the Board shall not accept a notice of intention to recall a member of an Advisory Neighborhood Commission, which is filed within the following timeframes:

- a. During the first six (6) months of the Commissioner's term of office;
- b. During the last six (6) months of the Commissioner's term of office; or

Within six (6) months after a recall election has been decided in favor of the Commissioner.

1100.5 A separate notice of intention to recall shall be filed for each officer sought to be recalled.

1100.6 The notice of intention to recall shall contain the following:

- a. The name and title of the elected officer sought to be recalled;
- b. A statement not more than two hundred (200) words in length, which gives the reasons for the proposed recall;
- c. The name, telephone number, and residence address of each proposer of the recall;

- d. If the officer was elected to represent a Single Member District, an affidavit that each proposer is a registered qualified elector in the Single Member District of the commissioner whose recall is being sought;
- e. If the officer was elected to represent an election ward, an affidavit stating that each proposer is a registered qualified elector in the election ward of the elected officer whose recall is sought; or
- f. If the officer was elected at-large, an affidavit that each proposer is a registered qualified elector of the District.

1100.7 Upon submission of a notice of intention to recall, the Board shall issue a receipt to the proposer or his or her representative.

1100.8 Within five (5) calendar days of the filing of the notice, the Board shall serve, personally or by certified mail, a copy of the notice of intention on the elected officer sought to be recalled.

1100.9 Within ten (10) calendar days after the filing of the notice of intention, the elected officer sought to be recalled may file with the Board a response in accordance with the provisions of DC Code §11321(d) (1981), a copy of which shall be served on the proposer by the Board.

1100.10 The proposer of a recall measure for any elected officer, other than a member of an Advisory Neighborhood Commission, shall file a financial disclosure statement with the Office of Campaign Finance prior to the submission of a petition supporting the measure for filing.

1100.11 For the purposes of this chapter, the term "financial disclosure statement," in accordance with DC Code §11321(i)(1)(A) (1981), shall consist of the following:

- a. The statement of organization, pursuant to DC Code §11414 (1981); and
- b. The report(s) of receipts and expenditures, pursuant to DC Code §11416 (1981).

1100.12 For the purposes of this section, the following shall apply to the counting of words in the statement filed by the proposer in the notice of intention to recall pursuant to DC Code §1-1321(b)(1)(b) and the statement filed by the elected official in response to the notice of intention to recall pursuant to DC Code §1-1321(d)(2):

- a. Punctuation is not counted;
- b. Each word shall be counted as one (1) word except as specified in this subsection;
- c. All geographical names shall be considered as one (1) word; for example, "District of Columbia" shall be counted as one (1) word;
- d. Each abbreviation for a word, phrase, or expression shall be counted as one (1) word;
- e. Hyphenated words that appear in any generally available dictionary shall be considered as one (1) word. Each part of all other hyphenated words shall be counted as a separate word;
- f. Dates consisting of a combination of words and digits shall be counted as one (1) word; and
- g. Any number consisting of a digit or digits shall be considered as one (1) word. Any number which is spelled, such as "one", shall be considered as a separate word or words. "One" shall be counted as one (1) word whereas "one hundred" shall be counted as two (2) words. The number one hundred "100" shall be counted as one (1) word.

หมายเหตุ โปรดดูรายละเอียดใน [http://www.dcboee.org/regulations/recall\\_process.asp](http://www.dcboee.org/regulations/recall_process.asp)