

ARTICLE XII - REMOVAL, RECALL, AND VACANCIES

Section 1. Removal of Legislators by Referral to a Recall Election. The Legislature shall have the power to seek the removal of a Legislator for good cause by a unanimous vote of the remaining seven Members of the Legislature. Upon a decision by the Legislature to seek the removal of a Legislator, such Legislator shall stand for re-election within forty-five days of such decision. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Legislator subject to removal by referral to a Special Election shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the removal of Legislator shall not extend beyond ninety days. No more than one Legislator shall be subject to removal by referral to a Special Election at the same time. No more than one attempt to remove a Legislator by referral to a Special Election shall be permitted during a term.

Section 2. Impeachment and Removal of a Governor or Lieutenant Governor. The Legislature shall have the power to impeach and remove a Governor or Lieutenant Governor for good cause by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Governor or Lieutenant Governor subject to removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Governor or Lieutenant Governor shall not extend beyond ninety days. The Governor and Lieutenant Governor shall not be subject to impeachment and removal at the same time.

Section 3. Impeachment and Removal of a Judge or Justice. The Legislature shall have the power to impeach and remove a Judge or Justice for good cause by a unanimous vote of the Legislature. The Legislature shall have the burden of proving good cause beyond a reasonable doubt. A Judge or Justice subject to impeachment and removal shall be provided with adequate notice, be informed of the charges in writing, be given an opportunity to address the Legislature in a public hearing, and be given an opportunity to contest the charges, and prepare and present a defense including presenting witnesses and other evidence. The process to seek the impeachment and removal of the Judge or Justice shall not extend beyond ninety days. No more than one Judge or Justice shall be subject to impeachment and removal at the same time.

Section 4. Removal for Felony Conviction while in Office. Any person serving as Governor, Lieutenant Governor, Legislator, Judge, Justice, or Election Commission Member who is convicted of a felony while in office shall be removed from office, provided, that a person who is appealing a conviction shall be suspended from office without pay pending the outcome of the final appeal.

Section 5. Removal and Vacancy. Upon the removal of an official under this Article, the Election Commission shall declare such seat vacant.

Section 6. Recall.

(a). A Legislator shall be subject to a recall vote in a Special Election called by petition of at least thirty percent of the number of registered voters in their respective District.

(b). A Governor or Lieutenant Governor shall be removable by recall vote in a Special Election called by petition of at least thirty percent of the number of registered voters in the Tribes.

(c). Petitions seeking the recall of a Legislator, Governor, or Lieutenant Governor shall be submitted to the Election Commission. Upon request, the Election Commission shall prepare and issue a petition form to a Petitioner along with the names and addresses of eligible voters of the Tribes including the minimum number of signatures required for a valid Recall petition. Members of the Tribes shall have one-hundred twenty days to collect the requisite number of signatures on the Recall petition. A separate petition shall be

required for each person subject to recall. The Governor and Lieutenant Governor shall not be subject to Recall at the same time.

(d). Upon receipt of a Recall petition, the Election Commission shall verify the validity of the signatures on the petition within twenty days. If the petition is valid, the Election Commission shall hold a Recall election within sixty days.

(e). A majority of the votes cast in the Recall election shall determine the success or failure of the Recall election, provided that, the official must be recalled by at least number of votes which elected such person to office. Upon a successful recall, the Election Commission shall declare the seat vacant.

Section 7. Recall Limits.

(a). A person who is successfully recalled from office shall not be eligible to serve in an elective office until a period of six years has elapsed.

(b). No Recall petition shall be initiated against any elected official until six months has elapsed from their inauguration into office.

Section 8. Vacancy in the Office of Legislator. Any vacancy in the Office of Legislator shall be filled as follows:

(a). If less than three months remain in the term, then the office shall remain vacant;

(b). If more than three months remain in the term, then the Election Commission shall hold a Special Election to fill the vacancy. The Special Election shall be held within forty five days of the vacancy. A person elected to fill the vacancy shall serve for the remainder of the unexpired term.

Section 9. Vacancy in the Office of Governor. Any vacancy in the Office of Governor shall be filled by the Lieutenant Governor who shall serve for the remainder of the unexpired term.

Section 10. Vacancy in the Office of Lieutenant Governor. Any vacancy in the Office of Lieutenant Governor shall be filled by appointment by the Governor.

Section 11. Vacancies in the Judicial Branch. Any vacancy in the Office of Judge or Justice shall be filled in accordance with the terms of this Constitution.

Section 12. Vacancies on the Election Commission.

(a) . A vacancy on the Election Commission shall be filled upon nomination of the Governor subject to confirmation by the Legislature. If the Legislature neither confirms nor denies the nominee within thirty days of nomination by the Governor, then the nominee shall be deemed confirmed.

(b). Prior to nomination, the Governor shall publish a notice announcing a vacancy on the Election Commission. The Governor shall allow thirty days for Members of the Tribes to submit a letter of interest to the Governor seeking an appointment to the Election Commission.