



# FACT SHEETS: ROGUE PROSECUTOR REMOVAL PROCESSES IN THE STATES

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## WHAT IS A ROGUE PROGRESSIVE PROSECUTOR?

Rogue progressive prosecutors are elected officials who see themselves more as political activists than as unbiased enforcers of the law. They routinely exercise their power to enforce the law selectively, based on their personal views, rather than applying it consistently and impartially as written.

## ADDRESSING PUBLIC SAFETY IN THE FACE OF ROGUE PROGRESSIVE PROSECUTORS

The criminal justice system plays a pivotal role in maintaining the safety and security of our society and upholding the rule of law. Its primary function is to ensure that those who commit crimes are held accountable and the public is protected from potential harm. However, in recent years, there has been a rise in the implementation of extreme progressive criminal justice policies such as cashless bail, broad decriminalization measures, and the reluctance to pursue charges against certain criminal offenders, all of which have become points of contention in the ongoing debate on public safety.

[Analyses](#) have shown that regions where these policies have been aggressively implemented by local prosecutors have often seen corresponding spikes in crime rates. Though correlation does not necessarily imply causation, such trends warrant careful scrutiny and consideration.

## PROCESSES FOR REMOVING ROGUE ELECTED PROSECUTORS

Every state differs in the methods provided for the discipline or removal of an elected official. Some states empower the executive branch with extensive authority to remove prosecutors, while others vest that power and authority in the people themselves. Unfortunately, only 25 states allow their citizens to be involved in holding their locally elected prosecutors accountable.

If citizens believe their elected prosecutors are not prioritizing the greater public interest, they should have the democratic right to seek remedies. The following pages summarize the state-specific mechanisms available to the public for holding these elected officials accountable. These mechanisms ensure that if the public believes elected prosecutors are not upholding the obligations of their office, especially regarding matters of public safety, there are remedies available. However, it's crucial to note that these remedies vary significantly from one state to another.

It is of paramount importance that any actions taken strictly follow local and state laws. Upholding the central tenets of democracy, including the rule of law and the rights of individuals, is essential in this endeavor.

*Note: The following document relates to citizen recall rights as it specifically pertains to their locally elected prosecutors. Many states vest removal authority in other bodies such as the governor, legislature, or other statutorily constituted bodies.*



**ALABAMA**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Alabama, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more about Alabama's recall laws, click [here](#).**

**ALASKA**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Alaska, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more about Alaska's recall laws, click [here](#).**

**ARIZONA**

- ★ **Name:** County Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county attorney. The recall process to remove a county attorney consists of the following:
  - An individual or organization seeking to recall a rogue prosecutor must submit [a general statement online](#) explaining their intent to circulate said petition.
    - A petition cannot be started for a recall until the county attorney has been in office for six months or more.
  - The petition must be submitted within 120 days of the application for the recall to be approved.
  - Once a recall petition is approved, organizers are required to obtain signatures from at least [25%](#) of registered voters in the jurisdiction in which the official was elected.
- ★ **To learn more information about Arizona's recall laws, click [here](#).**

**ARKANSAS**

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** In Arkansas, citizens cannot directly petition for the recall of their prosecuting attorney.
- ★ **To learn more information about Arkansas' recall laws, click [here](#).**

**CALIFORNIA**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected district attorney. The recall process to remove a district attorney consists of the following:
  - Filing a notice of intention outlining the information of the official intended to face a recall
  - Obtaining a requisite number of signatures (30-50 signatures for jurisdictions with the number of registered voters being between 1,000–100,000 and >50 for jurisdictions with registered voters numbering greater than 100,000).
  - Once the notice of intent is filed, proponents must prepare a recall petition and have the petition signed by a requisite number of citizens, again, based on the number of registered voters: 30% if the number of registered voters is <1,000; 25% if between 1,000–10,000; 20% if between 10,000–50,000; 15% if between 50,000–100,000; and 10% if > 100,000.
- ★ **To learn more information about California's recall laws, click [here](#).**

**COLORADO**

- ★ **Name:** District Attorney



- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected district attorney. The recall process to remove an elected prosecutor is outlined in [Section 1, Article 1](#) of Colorado's Constitution. The recall process to remove a district attorney consists of the following:
  - A recall petition must be filed with the Secretary of State's office and must contain a minimum 200-word statement outlining the reasons for the recall.
  - Once approved, the recall petition must contain a number of signatures from within the prosecutor's district that [equates to 25%](#) of the votes cast in the last election of the prosecutor.
  - Any signatures obtained must be dated no later than 60 days from the filing of the petition.
  - If approved, a recall election will be held between 30–60 days unless a general election is scheduled to be held within 90 days, at which point the recall election would be held concurrently.
- ★ **To learn more information about Colorado's recall laws, click [here](#).**

## CONNECTICUT

- ★ **Name:** State's Attorney
- ★ **Citizen Recall:** In Connecticut, citizens cannot directly petition for the recall of their state's attorneys.
- ★ **To learn more information about Connecticut's recall laws, click [here](#).**

## DELAWARE

- ★ **Name:** Local Prosecutors
- ★ **Citizen Recall:** In Delaware, citizens cannot directly petition for the recall of their local prosecutor.
- ★ **To learn more information about Delaware's recall laws, click [here](#).**

## FLORIDA

- ★ **Name:** State Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected state attorney. According to [Florida Statute Annotated 100.36\(1\)](#), "Any member of the governing body of a municipality or charter county may be removed from office." The recall process to remove a state attorney consists of the following:
  - A recall cannot begin until the targeted official has served at least one-fourth of his or her term in office.
  - For citizens to petition a prosecutorial recall, the signature requirement varies based on the number of registered voters in the jurisdiction. For instance, 50 signatures or 10% if <500; 100 signatures or 10% if between 500-1,999; 250 signatures or 10% if between 2,000-4,999; 500 signatures or 10% if between 5,000-9,999; 1,000 signatures or 10% if between 10,000-24,999; and 1,000 signatures or 5% if > 25,000.
  - From the time that the recall petition is [approved for circulation](#), signatures must be collected within 30 days.
- ★ **To learn more information about Florida's recall laws, click [here](#).**

## GEORGIA

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Georgia, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more information about Georgia's recall laws, click [here](#).**



## HAWAII

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected prosecuting attorney. Hawaii has specific steps outlined in its [county charters](#). The number of signatures required by each county varies:
  - Hawaii County: 25% of the total valid votes cast for the office subject to the recall petition in the last election is required.
  - Kalawao, Kauai, or Maui Counties: The petition must be signed by at least 20% of current registered voters, based on the last general election.
  - Honolulu County: The petition must be signed by at least 10% of the total number of voters in the county.
- ★ **To learn more about Hawaii County's recall laws, please click [here](#).**
- ★ **To learn more about Maui County & Kalawao County's recall laws, please click [here](#).**
- ★ **To learn more about Kauai County's recall laws, click [here](#).**
- ★ **To learn more about Honolulu County's recall laws, click [here](#).**

## IDAHO

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected prosecuting attorney. The recall process to remove a prosecuting attorney consists of the following:
  - A recall election requires signatures from at least 20% of the number of citizens registered to vote at the time of the last general election in the county where the prosecuting attorney in question is being petitioned for recall.
  - The petition must be completed within 75 days of receiving the form.
  - The governor then appoints a successor if the official is successfully recalled. This successor must be a member of the same political party and must be selected from a list submitted by the [County Central Committee](#).
- ★ **To learn more information about Idaho's recall laws, click [here](#).**

## ILLINOIS

- ★ **Name:** State's Attorney
- ★ **Citizen Recall:** In Illinois, citizens cannot directly petition for the recall of their state's attorneys.
- ★ **To learn more information about Illinois' recall laws, click [here](#).**

## INDIANA

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** In Indiana, citizens cannot directly petition for the recall of their prosecuting attorney.
- ★ **To learn more information about Indiana's recall laws, click [here](#).**

## IOWA

- ★ **Name:** County Attorney
- ★ **Citizen Recall:** In Iowa, citizens cannot directly petition for the recall of their county attorney.
- ★ **To learn more information about Iowa's recall laws, click [here](#).**



**KANSAS**

- ★ **Name:** County Attorney & District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county/district attorney. The recall process to remove a county/district attorney consists of the following:
  - A recall election requires signatures amounting to at least 40% of the vote total from the last general election for the current term of office of the county attorney being targeted.
  - The countdown begins after the county clerk has verified the grounds for the proposed recall petition.
  - The recall petition has 90 days in which it can be circulated for signatures.
  - A recall election is held no sooner than 60 days and no later than 90 days after signatures are certified by the county clerk.
- ★ **For more information about Kansas' recall laws, click [here](#).**

**KENTUCKY**

- ★ **Name:** Commonwealth Attorney
- ★ **Citizen Recall:** In Kentucky, citizens cannot directly petition for the recall of their commonwealth attorney.
- ★ **To learn more information about Kentucky's recall laws, click [here](#).**

**LOUISIANA**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected district attorney. Because there are many rural areas in Louisiana, the percentage of the signature requirement is based on the number of people in the proposed recall member's district. The recall process to remove a district attorney consists of the following:
  - 100,000 or more eligible voters = 20% of signatures needed in the district; 25,000 or more but less than 100,000 eligible voters = 25% of signatures in the district; over 1,000 eligible voters but less than 25,000 = 33.3% of eligible voters in the district; < 1,000 eligible voters = 40% of eligible voters in the district.
  - The completed petition is submitted to the Registrar(s) of Voters no later than 180 days after being filed with the Secretary of State.
  - The Registrar of Voters shall then certify the recall petition within 15 business days after it is presented or 20 business days after it is presented if the voting area contains more than 50,000 registered voters.
  - Finally, the petition is forwarded to the Governor, where he/she issues an election proclamation within 15 days after receiving the certified petition.
- ★ **To learn more information about Louisiana's recall laws, click [here](#).**

**MAINE**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected district attorney. The recall process to remove a district attorney consists of the following:
  - In order to initiate a recall election, the initiator of the petition shall file a notice of intention of recall with the municipal clerk of the municipality. A notice of intention of recall must include the name, address, and contact information of the person filing the notice and the name and position of the official subject to recall under this section. Only a person registered to vote in the municipality may file a notice of intention of recall.



- Within three business days of receipt of a notice, the municipal clerk shall prepare petition forms for the collection of signatures and send notice to the initiator of the petition that the petition forms are available. The municipality may charge the initiator of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form under this subsection must include:
    - At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition, and the date by which the signatures must be submitted to the municipal clerk;
    - Spaces for each voter's signature, actual street address, and printed name; and
    - Space at the bottom of the form for the name, address, and signature of the person circulating the petition form.
  - The written petition must include signatures from a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
  - The initiator of the petition shall collect the petition forms from all circulators and submit the signed petition forms to the municipal clerk within 14 days of receipt of notice from the clerk that the petition forms are available under [subsection 3](#). A municipal clerk may not accept a petition form submitted more than 14 days after sending notice of availability to the initiator.
  - Within seven business days of receiving petition forms under [subsection 4](#), the municipal clerk shall determine whether the petition forms meet the criteria under [subsection 4](#) and certify the validity of any signatures on the petition forms.
  - Within 10 business days of certification of the petition under [subsection 5](#), the municipal officers shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no less than 45 days nor more than 75 days after certification of the petition under [subsection 5](#) unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under [subsection 5](#), in which case the recall election must be held on the date of the regular municipal election. If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition under [subsection 5](#), the municipal clerk shall schedule the recall election pursuant to the date requirements of this subsection.
- ★ **To learn more information about Maine's recall laws, click [here](#).**

## MARYLAND

- ★ **Name:** State's Attorney
- ★ **Citizen Recall:** In Maryland, citizens cannot directly petition for the recall of their state's attorney.
- ★ **To learn more information about Maryland's recall laws, click [here](#).**

## MASSACHUSETTS

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Massachusetts, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more information about Massachusetts' recall laws, click [here](#).**

## MICHIGAN

- ★ **Name:** Prosecuting Attorney



- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected prosecuting attorney. The recall process to remove a prosecuting attorney consists of the following:
  - Filing a recall petition request specifying the factual basis for the recall and the intended official, to be reviewed by the Board of State Canvassers for factuality and clarity.
  - Any signatures obtained must be dated no later than 60 days from the filing of the petition.
  - Michigan election law states that a recall petition should not be filed in the first or the last six months of a prosecuting attorney's term in office if the term is for two years or the first or last year of a prosecuting attorney's term if it's four years.
  - Once approved, the recall petition must be submitted to the Secretary of State's office within 180 days.
  - It must contain a requisite number of signatures from within the officer's district (according to [Article VII](#) of Michigan's Constitution, "25% of the votes cast in the prosecutor's district for all candidates for the office of Governor in the last gubernatorial election").
- ★ **To learn more information about Michigan's recall laws, click [here](#).**

## MINNESOTA

- ★ **Name:** County Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county attorney. The recall process to remove an elected official is outlined in [Section 6, Article 8](#) of the Minnesota Constitution. The recall process to remove a county attorney consists of the following:
  - According to [Minnesota law](#) a "proposed recall petition" must be filed with the Minnesota Secretary of State outlining the reasons for removal of the prosecutor.
  - Those seeking to recall an official will have 90 days to obtain the requisite signatures, which must equal 25% of the votes cast in the county attorney's district during the previous election for the county attorney's position.
  - Once submitted, the signatures will be reviewed by the Minnesota Secretary of State's office and subsequently by the Minnesota Supreme Court, at which time the Court has 10 days to decide if the recall petition meets the necessary grounds to move forward.
- ★ **To learn more information about Minnesota's recall laws, click [here](#).**

## MISSISSIPPI

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Mississippi, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more information about Mississippi's recall laws, click [here](#).**

## MISSOURI

- ★ **Name:** Prosecuting Attorney (St. Louis city's prosecutor is known as a Circuit Attorney)
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected prosecuting attorney. The recall process to remove a prosecuting attorney consists of the following:
  - A recall petition may not commence during the first six months in office. Grounds for a recall petition must be stated by including any misconduct in office, incompetence, or failure to perform duties prescribed by law.
  - Signatures must equal 25% of the registered voters in the county.
  - The petition can be circulated up to 60 days before having to file it with the Secretary of State where they will determine if the petition meets the requirements for a recall election.
- ★ **To learn more information about Missouri's recall laws, click [here](#).**

## MONTANA



- ★ **Name:** County Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county attorney. The recall of local elected government officials in the state is governed by the "[Montana Recall Act](#)." The recall process to remove a county attorney consists of the following:
  - A recall petition against an officer may not be approved for circulation, as required in [2-16-617\(3\)](#), until an officer has held office for 2 months.
  - Recall petitions for elected or appointed county officers must contain the signatures of qualified electors equaling at least 15% of the number of persons registered to vote at the preceding county general election.
  - The signatures on each petition must be placed on sheets of paper known as circulation sheets. The petition, for purposes of circulation, may be divided into sections, each section containing no more than 25 circulation sheets.
  - Before a petition may be circulated for signatures, a sample circulation sheet must be submitted to the officer with whom the petition must be filed in the form in which it will be circulated. The filing officer shall review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, within one week of receiving the sheet.
  - The petition form submitted must be accompanied by a [written statement](#) containing the reasons for the desired recall as stated on the petition. The truth of purported facts contained in the statement must be sworn to by at least one of the petitioners before a person authorized to administer oaths.
  - The county clerk in each county in which a recall petition is signed shall verify and compare the signatures of each person who has signed the petition to ensure that the person is an elector in that county and, if satisfied that the signatures are genuine, shall certify that fact to the officer with whom the recall petition is to be filed. They have up to 30 days to legitimize the signatures.
- ★ **To learn more information about Montana's recall laws, click [here](#).**

## NEBRASKA

- ★ **Name:** County Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county attorney. The recall of local elected government officials in Nebraska is governed by [Nebraska Revised Statute 32-1303](#). The recall process to remove a county attorney consists of the following:
  - The decision to petition a county attorney must be stated in writing.
  - Each jurisdiction is different, but a majority of offices require signatures equal to 35% of the total vote cast for that office in the last general election.
  - Petition signatures must be filed within 30 days of the filing clerk issuing the petitions. The filing clerk shall notify the official sought to be removed by any method specified in [Section 25-505.01](#) of Nebraska's Constitution.
  - Within 15 business days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the voters who petitioned.
  - Finally, the clerk has 21 days to schedule a recall election date.
- ★ **To learn more information about Nebraska's recall laws, click [here](#).**

## NEVADA

- ★ **Name:** County Attorney





- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county attorney. The recall process to remove a county attorney consists of the following:
  - A qualified petitioner filing a recall petition with the “official with whom the officeholder being recalled filed a declaration or acceptance of candidacy.”
    - A recall petition can only be sought against an officer after he/she has served at least six months in their current term.
  - Once approved, the recall petition must be submitted back to the original filing officer within 90 days of filing.
  - According to [Nevada law](#), the requisite number of signatures from within the officer’s district should amount to 25% of the vote total from the previous election for which the officer was elected and who is now subject to recall.
  - If approved, a recall election will usually occur within 30 days of the filing officer’s call for a new election.
- ★ **To learn more information about Nevada’s recall laws, click [here](#).**

## NEW HAMPSHIRE

- ★ **Name:** County Attorney
- ★ **Citizen Recall:** In New Hampshire, citizens cannot directly petition for the recall of their county attorney.
- ★ **To learn more information about New Hampshire’s recall laws, click [here](#).**

## NEW JERSEY

- ★ **Name:** County Prosecutor
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected county prosecutor. The recall process to remove a county prosecutor consists of the following:
  - A recall petition of no more than 200 words.
  - Signatures must equal at least 25% of the citizens registered to vote in that jurisdiction from the date of the last general election. An elected official cannot be recalled before they’ve served at least six months.
  - Once given the petition, citizens have 160 days to collect the appropriate number of signatures.
  - The election official reviewing the petition will then certify the number of signatures and determine the validity within 10 days. If the petition is accepted, the election official will schedule the recall election.
- ★ **To learn more information about New Jersey’s recall laws, click [here](#).**

## NEW MEXICO

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected district attorney. The recall of local county officials in the state is authorized in [Section 9 of Article 10](#) of New Mexico’s Constitution. The recall process to remove a district attorney consists of the following:
  - Legal grounds for a recall are “malfeasance or misfeasance in office or violation of the oath of office by the official concerned.” The acts cited as grounds must have occurred during the elected official’s current term in office.
  - Signatures equaling 33.3% of the number of voters who voted in the last election for the office held by the recall target are required to force a recall election.
  - An election cannot be conducted after May 1 in a calendar year in which an election is to be held for the office subject to the proposed recall.



- ★ To learn more information about New Mexico's recall laws, click [here](#).

## NEW YORK

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In New York, citizens cannot directly petition for the recall of their district attorney.
- ★ To learn more information about New York's recall laws, click [here](#).

## NORTH CAROLINA

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In North Carolina, citizens cannot directly petition for the recall of their district attorney.
- ★ To learn more about North Carolina's recall laws, click [here](#).

## NORTH DAKOTA

- ★ **Name:** State's Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected state attorney. The recall process to remove a state's attorney consists of the following:
  - First, a request for a recall petition must be filed with the secretary of state. Every recall petition must have a sponsoring committee of five individuals and a chairman. The secretary of state will print signature forms to be distributed.
  - According to [North Dakota's Constitution](#), to recall a state's attorney, only citizens who voted in the preceding election for the office of governor in the electoral district of the state's attorney being recalled are able to petition a recall election.
  - Citizens have one year to collect the necessary number of signatures (this will be different in each jurisdiction).
  - The secretary of state has 30 days to consider whether the petition is considered valid. To do this, they randomly sample signatures for validity.
  - Once the petition is considered valid, the secretary of state must put the recall on the election ballot after a 10-day waiting period in which the state's attorney has the option of resigning.
- ★ To learn more about North Dakota's recall laws, click [here](#).

## OHIO

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected prosecuting attorney. The recall process to remove a prosecuting attorney consists of the following:
  - Articulating the reason for willful neglect of duty or gross misconduct in office that has allegedly occurred in writing.
  - One or more citizens are required to sign the document, supported by an affidavit, and filed into the specific county [court of common pleas](#).
  - 15% of qualified electors must [sign](#) a petition for removal with a statement on the grounds for removal.
  - If valid, then the recall will occur at the next primary or general election more than 90 days away from the authorization of the petition.
  - The court will then [assign](#) a hearing to investigate the evidence. If it appears the prosecuting attorney has willfully neglected to perform his/her duties, the court shall remove them from the office and declare the office vacant.
- ★ To learn more information about Ohio's recall laws, click [here](#).



**OKLAHOMA**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Oklahoma, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more information about Oklahoma's recall laws, click [here](#).**

**OREGON**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their locally elected district attorney. The recall process to remove a district attorney consists of the following:
  - There must first be a chief petitioner who files a prospective petition with the appropriate district attorney's information and outlines the reason for a recall election.
    - The form may be submitted in person, by mail, by fax, or as an attachment by email.
  - After the prospective petition form is approved, a petition committee is then created to review the required information.
  - After the committee approves the preliminary information, a citizen can begin gathering signatures.
  - The committee then verifies the signatures, and if verified, the official called into question will have five days to resign.
  - If the district attorney being recalled does not resign, then a recall election is scheduled.
- ★ **To learn more information about Oregon's recall laws, click [here](#).**

**PENNSYLVANIA**

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** In Pennsylvania, citizens cannot directly petition for the recall of their district attorney.
- ★ **To learn more information about Pennsylvania's recall laws, click [here](#).**

**RHODE ISLAND**

- ★ **Name:** Attorney General
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their attorney general. The attorney general handles all of prosecutions in Rhode Island due to the state's small size, with only five counties. The recall process to remove the attorney general consists of the following:
  - The petition must include an explanatory statement of no more than 100 words on why a recall election is necessary.
  - As outlined in Rhode Island's Constitution, a recall petition must be obtained from the state board of elections with signatures equaling 3% of votes cast from the last election before a recall petition can be given out.
  - After the signatures for the recall petition itself are deemed valid, citizens must then collect signatures equal in number to 15% of the votes cast in the last election. Petitioners have 90 days to gather enough signatures.
  - Once the signatures are verified by the state board of election, a date for the recall election will be set. If the majority of voters vote for the recall of the attorney general, then the office will be declared vacant, and a separate election will take place.
- ★ **To learn more information about Rhode Island's recall laws, click [here](#).**

**SOUTH CAROLINA**

- ★ **Name:** Circuit Solicitor
- ★ **Citizen Recall:** In South Carolina, citizens cannot directly petition for the recall of their circuit solicitor.
- ★ **To learn more information about South Carolina's recall laws, click [here](#).**

## SOUTH DAKOTA

- ★ **Name:** State's Attorney
- ★ **Citizen Recall:** In South Dakota, citizens cannot directly petition for the recall of their state's attorney.
- ★ **To learn more information about South Dakota's recall laws, click [here](#).**

## TENNESSEE

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local district attorney. The recall process to remove a district attorney consists of the following:
  - According to [§6-53-108](#), the recall petition must "contain one or more specific grounds for removal," but there is no statement as to what constitutes acceptable grounds.
  - According to [§2-5-151](#), "petitions shall be signed by at least 15% of those registered to vote in the municipality or county. Completed petitions shall be filed with the county election commission within 75 days after the county election commission's final certification [of the form of the recall petition]."
  - The county election commission shall certify whether or not the completed petition meets all applicable requirements within 30 days of filing the completed petition.
    - Recall elections can't be scheduled in the period of 90 days before or 90 days after a regularly scheduled municipal election.
- ★ **To learn more information about Tennessee's recall laws, click [here](#).**

## TEXAS

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local district attorney. The recall process to remove a district attorney consists of the following:
  - An elected district attorney may be removed from office for incompetency, official misconduct, or intoxication of alcohol or drugs.
  - To start the removal process, any resident of Texas who has lived for at least six months in the county can file a petition to remove a district attorney.
  - The petition must be written and sworn to by one or more residents that file.
    - It must be submitted in the district court of the county in which the officer resides or the county where the alleged cause of removal occurred if that county is in the district attorney's judicial district.
  - The petition will be assigned to the district judge in order to determine whether the complaint/petition has credible evidence.
- ★ **To learn more information about Texas' recall laws, click [here](#).**

## UTAH

- ★ **Name:** County Attorney



- ★ **Citizen Recall:** In Utah, citizens cannot directly petition for the recall of their county attorney.
- ★ **To learn more information about Utah's recall laws, click [here](#).**

## VERMONT

- ★ **Name:** State's Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local state's attorney. The recall process to remove a state's attorney consists of the following:
  - The [petition submission](#) shall include the date and time of the election, location of the polling place or places, and the nature of the election (this would be laid out afterwards by the clerk).
  - A request by a petition signed by at least 5% of the voters of the municipality and filed with the municipal clerk not less than 47 days before the day of the would-be election.
  - A petition submitted:
    - may include more than one proposed article;
    - shall contain the petition language on each page on which signatures are collected; and
    - shall include the printed name, signature, and street address of each voter who signed the petition.
  - The clerk receiving the petitions shall immediately proceed to examine them to ascertain whether they contain the required number of signatures of registered voters. If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt, he or she shall return it to the petitioners. In this case, supplementary petitions may be filed no later than 48 hours after the petition was returned to the petitioners by the clerk or the filing deadline set forth in subdivision (A) of this subdivision (3), whichever is later. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) of this subdivision (3) were not filed by the filing deadline.
- ★ **To learn more information about Vermont's recall laws, click [here](#).**

## VIRGINIA

- ★ **Name:** Commonwealth Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local commonwealth attorney. Virginia law allows for the recall of commonwealth attorneys for "misuse of office, neglect of duty, and incompetence in performance." The recall process to remove a commonwealth attorney consists of the following:
  - Citizens must collect enough signatures equal to 10% of the votes cast in the last election.
  - After enough signatures have been met, the petition is sent to the circuit court, where a judge gives her/his decision on the removal, and a special election is scheduled to elect the commonwealth attorney's replacement.
- ★ **To learn more information about Virginia's recall laws, click [here](#).**

## WASHINGTON

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local prosecuting attorney. The recall process to remove a prosecuting attorney consists of the following:
  - Washington allows the following grounds for recall: malfeasance or misfeasance while in office or violating the oath of office.



- Before a recall petition can collect signatures, the grounds for recall must be considered by a superior court judge. If the judge rules that the grounds for recall meet the state requirements, the petition will be approved for circulation.
- Citizens must collect signatures equal to 25% of the votes cast for the office at the last election.
- Signatures must be collected within 180 days and once the petition is deemed legitimate a recall election shall be scheduled.

★ **To learn more information about Washington's recall laws, click [here](#).**

## WEST VIRGINIA

- ★ **Name:** Prosecuting Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local prosecuting attorney. Section [WV Code §8-12-4](#) in West Virginia's Constitution does not mention any specific grounds that must be alleged or proved in order to move forward with a recall campaign. The recall process to remove a prosecuting attorney consists of the following:
  - According to West Virginia's Constitution, 20% of the qualified voters of the relevant jurisdiction must sign a petition to trigger a recall election.
    - There are no deadline restraints for submitting a petition and/or collecting signatures.
  - Once the county clerk deems the petition legitimate, he or she will schedule a recall election.
- ★ **To learn more information about West Virginia's recall laws, click [here](#).**

## WISCONSIN

- ★ **Name:** District Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local district attorney. A recall petition can only be sought against a district attorney after he/she has served at least one year in their current term. The recall process to remove a district attorney consists of the following:
  - Obtaining signatures equaling 25% of registered voters that voted in the last gubernatorial election from within the district attorney's district.
    - Any signatures obtained must be dated no later than 60 days from the filing of the petition.
  - Once approved, the recall petition must be submitted back to the original filing officer.
- ★ **To learn more information about Wisconsin's recall laws, click [here](#).**

## WYOMING

- ★ **Name:** County Attorney
- ★ **Citizen Recall:** Citizens have the right to initiate a recall of their local county attorney. The recall process to remove a county attorney consists of the following:
  - Describe the reason why a petition to remove a county attorney is necessary.
  - Signatures must equal 25% of all registered electors in the relevant county, though there is no timeframe or deadline requested.
  - The clerk of the relevant county will then inspect them for legitimacy within 10 days from the date the petition was submitted.
  - If the clerk determines in those 10 days that the signatures are sufficient, the governing body of the county is to be notified "without delay."
  - The governing body is then required to set a date for the recall election that is "no less than 30 days and no more than 41 days from the date of the clerk's certificate of sufficiency."
- ★ **To learn more information about Wyoming's recall laws, click [here](#).**

