

HB1304



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1304

Introduced 1/28/2025, by Rep. Dan Ugaste and Tony M. McCombie

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Government Elected Official Recall Act. Provides that local officeholders who were elected during a general or consolidated election may be recalled under the Act. Establishes petition requirements for recall elections. Limits home rule powers.

LRB104 07339 RTM 17379 b

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Local
5 Government Elected Official Recall Act.

6 Section 5. Local government recall elections.

7 (a) Notwithstanding any other provision of law, local
8 officeholders who were elected during a general or
9 consolidated election may be recalled under this Act.

10 (b) The recall of a local government official may be
11 proposed by a petition signed by a number of electors equal to
12 a percentage of the total votes cast for Governor in the
13 preceding gubernatorial election as determined by the
14 population of the unit of local government that the local
15 government official represents: for a jurisdiction of not more
16 than 1,000 qualified electors, 30%; for a jurisdiction of more
17 than 1,000 qualified electors but not more than 10,000
18 qualified electors, 25%; for a jurisdiction of more than
19 10,000 qualified electors but not more than 50,000 qualified
20 electors, 20%; for a jurisdiction of more than 50,000
21 qualified electors but not more than 100,000 qualified
22 electors, 15%; for a jurisdiction of more than 100,000
23 qualified electors, 10%. A petition shall have been signed by

1 the petitioning electors not more than 90 days after an
2 affidavit has been filed with the State Board of Elections
3 providing notice of intent to circulate a petition to recall
4 the local government official. The petition shall include the
5 signature of the petitioning elector and a general statement
6 of not more than 200 words enumerating the individual whose
7 recall is sought and providing the grounds for which recall is
8 sought. The affidavit may be filed no sooner than 6 months
9 after the beginning of the local government official's term of
10 office. If the State Board of Elections determines the
11 petition is valid, the local government official whose recall
12 is sought may file a response of not more than 200 words with
13 the State Board of Elections. The petitioning elector's
14 general statement and the local government official's response
15 shall appear on the recall ballot.

16 (c) The local government officials who serve on a public
17 body must be recalled individually.

18 (d) The form of the affidavit, petition, circulation, and
19 procedure for determining the validity and sufficiency of a
20 petition shall be as provided in this Act. If the petition is
21 valid and sufficient, the State Board of Elections shall
22 certify the petition not more than 100 days after the date the
23 petition was filed, and the following question must be
24 submitted to the electors at the next general election or
25 consolidated election after certification of the petition:

26 "Should (elected official) be recalled from (his or her)

1 positions as (title of position)? (YES/NO)

2 If (elected official) is recalled, who do you support to
3 replace (him or her)?

4 (Elected official).

5 (Candidate).

6 (Candidate)."

7 (e) The local government official is immediately removed
8 upon certification of the recall election results if a
9 three-fifths majority of the electors voting on the question
10 vote to recall the local government official.

11 (f) Replacement candidates wishing to be listed on the
12 recall ballot shall be certified under the same procedures as
13 if the candidate was running for the applicable office in a
14 standard election, except the petition circulation and filing
15 of petitions shall only be between the time the intent to
16 recall is filed and 90 days before the election. Candidates
17 running to replace the recalled officeholder shall state
18 clearly on the candidate's petitions which officeholder they
19 are seeking to replace.

20 (g) There shall be no primary or runoff election after a
21 recall election. The top vote-getter or vote-getters in the
22 recall election shall replace the elected official or
23 officials who were recalled.

24 (h) The procedure to be certified to run in the recall
25 election shall be the same as the procedure for being
26 nominated and certified in the standard election for the

1 office to be filled. Challenges to recall petitions shall
2 follow the same procedures as challenges to petitions under
3 the Election Code.

4 (i) If multiple officeholders from the same public office
5 or district are being recalled, each recall question must be
6 asked separately. All candidates running as replacements for
7 that office and the current officeholder shall be on the
8 ballot beneath the recall question.

9 (j) If the local government official is removed from a
10 unit of government over 1,000,000 persons, the vacancy shall
11 be filled as provided by law.

12 (k) A local government official recalled under this
13 Section is ineligible to serve in public office (or specified
14 non-elected office) for 10 years following certification of
15 the recall election.

16 (l) The procedure and manner of recalling a local
17 government official shall be in addition to and not excluding
18 any other method of removing an elected official as provided
19 by law.

20 Section 10. Home rule. A home rule unit may not regulate
21 the recall of local officeholders who were elected during a
22 general or consolidated election in a manner inconsistent with
23 this Act. This Act is a limitation under subsection (i) of
24 Section 6 of Article VII of the Illinois Constitution on the
25 concurrent exercise by home rule units of powers and functions

1 exercised by the State.