SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 7
ILCON Art. III, Sec. 9 new
ILCON Art. III, Sec. 10 new
ILCON Art. III, Sec. 11 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for the recall of all State Executive Branch officers, legislative leaders, the Auditor General, members of the General Assembly, and local government officials. Makes changes to the procedures for the recall of the Governor. Effective upon being declared adopted.
SENATE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL
ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
REPRESENTATIVES CONCURRING HEREBIN, that there shall be
submitted to the electors of the State for adoption or
rejection at the general election next occurring at least 6
months after the adoption of this resolution a proposition to
amend Section 7 of Article III of the Illinois Constitution
and to add Sections 9, 10, and 11 of Article III as follows:

ARTICLE III
SUFFRAGE AND ELECTIONS

(ILCON Art. III, Sec. 7)

SECTION 7. INITIATIVE TO RECALL EXECUTIVE OFFICERS

(a) To initiate the recall of any Executive Branch officer
named in Section 1 of Article V, a petitioning elector shall
file an affidavit with the State Board of Elections providing
notice to circulate a petition to recall an Executive Branch
officer. The affidavit shall include: (1) a general statement
of not more than 200 words enumerating the individual whose
recall is sought and providing the grounds for which recall is
sought; (2) a petition signed by a number of electors equal in
number to at least 0.1% of the total votes cast for Governor in
the preceding gubernatorial election; and (3) the signature of
the petitioning elector. Upon acceptance of the petitioning
elector's affidavit by the State Board of Elections, the The recall of any Executive Branch officer the Governor may be
proposed by a petition signed by a number of electors equal in
number to at least 12% 15% of the total votes cast for Governor
in the preceding gubernatorial election, with at least 100
signatures from each of at least 25 separate counties. A
petition shall have been signed by the petitioning electors
not more than 90 150 days after an affidavit has been filed
with the State Board of Elections providing notice of intent
to circulate a petition to recall an Executive Branch officer
the Governor. The affidavit may be filed no sooner than 6
months after the beginning of the Executive Branch officer's
Governor's term of office. If the State Board of Elections
determines the petition is valid, the Executive Branch officer
whose recall is sought may file a response of not more than 200
words with the State Board of Elections. The petitioning
elector's general statement and the Executive Branch officer's
response shall appear on the recall ballot. The affidavit
shall have been signed by the proponent of the recall
petition, at least 20 members of the House of Representatives,
and at least 10 members of the Senate, with no more than half
of the signatures of members of each chamber from the same
established political party.

(b) The form of the affidavit, petition, circulation, and
procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the petition was filed, and the question "Shall (name) be recalled from the office of (office) Governor?" must be submitted to the electors at a special election called by the State Board of Elections, to occur not more than 90 days after certification of the petition. A recall petition certified by the State Board of Elections may not be withdrawn and another recall petition may not be initiated against the Governor during the remainder of the current term of office. Any recall petition or recall election pending on the date of the next general election at which a candidate for an Executive branch office for which recall is sought Governor is elected is moot.

(c) (Blank). If a petition to recall the Governor has been filed with the State Board of Elections, a person eligible to serve as Governor may propose his or her candidacy by a petition signed by a number of electors equal to the requirement for petitions for an established party candidate for the office of Governor, signed by petitioning electors not more than 50 days after a recall petition has been filed with the State Board of Elections. The form of a successor election petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the successor election petition is valid and
sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the petition to recall the Governor was filed. Names of candidates for nomination to serve as the candidate of an established political party must be submitted to the electors at a special primary election, if necessary, called by the State Board of Elections to be held at the same time as the special election on the question of recall established under subsection (b). Names of candidates for the successor election must be submitted to the electors at a special successor election called by the State Board of Elections, to occur not more than 60 days after the date of the special primary election or on a date established by law.

(d) The Executive Branch officer Governor is immediately removed upon certification of the recall election results if a three-fifths majority of the electors voting on the question vote to recall the Executive Branch officer Governor. If the Executive Branch officer Governor is removed, the vacancy shall be filled as provided in Article V then (i) an Acting Governor determined under subsection (a) of Section 6 of Article V shall serve until the Governor elected at the special successor election is qualified and (ii) the candidate who receives the highest number of votes in the special successor election is elected Governor for the balance of the term.

(e) An Executive Branch officer recalled under this
Section 7 is ineligible to serve again in the office in which he or she was recalled for 10 years following certification of the recall election.
(Source: Amendment adopted at general election November 2, 2010.)

(ILCON Art. III, Sec. 9 new)

SECTION 9. INITIATIVE TO RECALL LEGISLATIVE LEADERS AND AUDITOR GENERAL

(a) To initiate the recall of the Speaker of the House of Representatives, the President of the Senate, or the Auditor General, a petitioning elector shall file an affidavit with the State Board of Elections providing notice to circulate a petition to recall the Speaker of the House of Representatives, the President of the Senate, or the Auditor General. The affidavit shall include: (1) a general statement of not more than 200 words enumerating the individual whose recall is sought and providing the grounds for which recall is sought; (2) a petition signed by a number of electors equal in number to at least 0.1% of the total votes cast for Governor in the preceding gubernatorial election; and (3) the signature of the petitioning elector. Upon acceptance of the petitioning elector's affidavit by the State Board of Elections, the recall of the Speaker of the House of Representatives, the President of the Senate, or the Auditor General may be proposed by a petition signed by a number of electors equal in
number to at least 12% of the total votes cast for Governor in
the preceding gubernatorial election. A petition shall have
been signed by the petitioning electors not more than 90 days
after an affidavit has been filed with the State Board of
Elections providing notice of intent to circulate a petition
to recall the Speaker of the House of Representatives, the
President of the Senate, or the Auditor General. The affidavit
may be filed no sooner than 6 months after the beginning of the
Speaker's, the President's, or the Auditor General's term of
office. If the State Board of Elections determines the
petition is valid, the officer whose recall is sought may file
a response of not more than 200 words with the State Board of
Elections. The petitioning elector's general statement and the
officer's response shall appear on the recall ballot.

(b) The form of the affidavit, petition, circulation, and
procedure for determining the validity and sufficiency of a
petition shall be as provided by law. If the petition is valid
and sufficient, the State Board of Elections shall certify the
petition not more than 100 days after the date the petition was
filed, and the question "Shall (name) be recalled from the
office of (office)?" must be submitted to the electors at a
special election called by the State Board of Elections, to
occur not more than 90 days after certification of the
petition. Any recall petition or recall election pending on
the date of the next general election at which a candidate for
office for which recall is sought is elected is moot.
(c) The Speaker of the House of Representatives, the President of the Senate, or the Auditor General is immediately removed upon certification of the recall election results if a three-fifths majority of the electors voting on the question vote to recall the officer. If the Speaker of the House of Representatives, the President of the Senate, or the Auditor General is removed, the vacancy shall be filled as provided by rule of the appropriate chamber or by law.

(d) A Speaker of the House of Representatives, a President of the Senate, or an Auditor General recalled under this Section 9 is ineligible to serve again in the office in which he or she was recalled for 10 years following certification of the recall election.

(e) The procedure and manner of recalling the Speaker of the House of Representatives, the President of the Senate, or the Auditor General shall be in addition to and not excluding any other method of removing an elected official as provided by law.

(ILCON Art. III, Sec. 10 new)

SECTION 10. INITIATIVE TO RECALL MEMBERS OF THE GENERAL ASSEMBLY

(a) The recall of a member of the General Assembly may be proposed by a petition signed by a number of electors equal in number to at least 12% of the total votes cast for Governor in the preceding gubernatorial election in the Legislative
District or Representative District in which the member of the General Assembly represents. A petition shall have been signed by the petitioning electors not more than 90 days after an affidavit has been filed with the State Board of Elections providing notice of intent to circulate a petition to recall the member. The petition shall include the signature of the petitioning elector and a general statement of not more than 200 words enumerating the individual whose recall is sought and providing the grounds for which recall is sought. The affidavit may be filed no sooner than 6 months after the beginning of the member's term of office. If the State Board of Elections determines the petition is valid, the member whose recall is sought may file a response of not more than 200 words with the State Board of Elections. The petitioning elector's general statement and the member's response shall appear on the recall ballot.

(b) The form of the affidavit, petition, circulation, and procedure for determining the validity and sufficiency of a petition shall be as provided by law. If the petition is valid and sufficient, the State Board of Elections shall certify the petition not more than 100 days after the date the petition was filed, and the question "Shall (name) be recalled from the office of (office)?" must be submitted to the electors at a special election called by the State Board of Elections, to occur not more than 90 days after certification of the petition. Any recall petition or recall election pending on
the date of the next general election at which a member of the
General Assembly for which recall is sought is elected is
moot.

(c) The member of the General Assembly is immediately
removed upon certification of the recall election results if a
three-fifths majority of the electors voting on the question
vote to recall the member. If the member is removed, the
vacancy shall be filled as provided by Section 2 of Article IV.

(d) A member of the General Assembly recalled under this
Section 10 is ineligible to serve in public office (or
specified non-elected office) for 10 years following
certification of the recall election.

(e) The procedure and manner of recalling a member of the
General Assembly shall be in addition to and not excluding any
other method of removing an elected official as provided by
law.

(ILCON Art. III, Sec. 11 new)

SECTION 11. INITIATIVE TO RECALL LOCAL GOVERNMENT OFFICIALS

(a) The recall of a local government official may be
proposed by a petition signed by a number of electors equal to
a percentage of the total votes cast for Governor in the
preceding gubernatorial election as determined by the
population of the unit of local government in which the local
government official represents: for a jurisdiction of not more
than 1,000 qualified electors, 30%; for a jurisdiction of more
than 1,000 qualified electors but not more than 10,000 qualified electors, 25%; for a jurisdiction of more than 10,000 qualified electors but not more than 50,000 qualified electors, 20%; for a jurisdiction of more than 50,000 qualified electors but not more than 100,000 qualified electors, 15%; for a jurisdiction of more than 100,000 qualified voters, 10%. A petition shall have been signed by the petitioning electors not more than 90 days after an affidavit has been filed with the State Board of Elections providing notice of intent to circulate a petition to recall the local government official. The petition shall include the signature of the petitioning elector and a general statement of not more than 200 words enumerating the individual whose recall is sought and providing the grounds for which recall is sought. The affidavit may be filed no sooner than 6 months after the beginning of the local government official's term of office. If the State Board of Elections determines the petition is valid, the local government official whose recall is sought may file a response of not more than 200 words with the State Board of Elections. The petitioning elector's general statement and the local government official's response shall appear on the recall ballot.

(b) A body of local government officials must be recalled individually.

(c) The form of the affidavit, petition, circulation, and procedure for determining the validity and sufficiency of a
petition shall be as provided by law. If the petition is valid
and sufficient, the State Board of Elections shall certify the
petition not more than 100 days after the date the petition was
filed, and the following question must be submitted to the
electors at a special election called by the State Board of
Elections, to occur not more than 90 days after certification
of the petition:

"Should (elected official) be recalled from (his or her)
position(s) as (title of position)? (YES/NO)
If (elected official) is recalled, who do you support to
replace (him or her)?
(Elected official).
(Candidate).
(Candidate)."

Any recall petition or recall election pending on the
date of the next general election at which a local government
official for which recall is sought is elected is moot.

(d) The local government official is immediately removed
upon certification of the recall election results if a
three-fifths majority of the electors voting on the question
vote to recall the local government official. If the local
government official is removed, the vacancy shall be filled as
provided by law.

(e) A local government official recalled under this
Section 11 is ineligible to serve in public office (or
specified non-elected office) for 10 years following
certification of the recall election.

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

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.