96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0009

Introduced 2/3/2009, by Sen. Dan Cronin

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 4.1 new
ILCON Art. III, Sec. 4.2 new
ILCON Art. III, Sec. 4.3 new
ILCON Art. III, Sec. 4.4 new
ILCON Art. III, Sec. 4.5 new
ILCON Art. III, Sec. 4.6 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers, members of the General Assembly, and supreme, appellate, and circuit judges. Sets forth requirements for petitions and elections. Allows the General Assembly, by law, to provide for recall of officers of units of local government and school districts. Contains other provisions. Effective upon being declared adopted.

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1   SENATE JOINT RESOLUTION

2   CONSTITUTIONAL AMENDMENT

3   RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL

4   ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES

5   CONCURRING HEREIN, that there shall be submitted to the

6   electors of the State for adoption or rejection at the general

7   election next occurring at least 6 months after the adoption of

8   this resolution a proposition to add Sections 4.1, 4.2, 4.3,

9   4.4, 4.5, and 4.6 to Article III of the Illinois Constitution

10   as follows:

11   ARTICLE III

12   SUFFRAGE AND ELECTIONS

13   (ILCON Art. III, Sec. 4.1 new)

14   SECTION 4.1. RECALL PETITIONS; STATE OFFICERS

15   (a) Recall of an executive branch officer, as identified in

16   Section 1 of Article V, a member of the General Assembly, or a

17   supreme, appellate, or circuit judge is initiated by delivering

18   to the Secretary of State a petition alleging reason for

19   recall. Sufficiency of reason is not reviewable. After the

20   initial petition is filed, proponents have 160 days to file

21   signed petitions.

22   (b) A petition to recall an executive branch officer must

23   be signed by electors of the State equal to at least 12% of the

1   last vote for the office, with signatures from each of at least

2   5 counties equal to at least 1% of the last vote for the office

3   in the county. A petition to recall a member of the General

4   Assembly or a supreme, an appellate, or a circuit judge must be

5   signed by electors of the district that elected the member or

6   judge equal to at least 20% of the last vote for the office.

7   (c) The Secretary of State shall maintain a continuous

8   count of the signatures certified to the Secretary.

9   (ILCON Art. III, Sec. 4.2 new)

10   SECTION 4.2. RECALL ELECTIONS; STATE OFFICERS

11   (a) An election to determine whether to recall an officer

12   and, if appropriate, to elect a successor shall be called by

13   the Governor and held not less than 60 days nor more than 80

14   days after the date of certification of sufficient signatures.

15   (b) A recall election may be conducted within 180 days

16   after the date of certification of sufficient signatures in

17   order that the election may be consolidated with the next

18   regularly scheduled election occurring wholly or partially

19   within the same jurisdiction in which the recall election is

20   held, but only if the number of voters eligible to vote at that

21   next regularly scheduled election equal at least 50% of all the

22   voters eligible to vote at the recall election.

23   (c) If the majority vote on the question is to recall, the

24   officer is removed and, if there is a candidate, the candidate

25   who receives a plurality is the successor for the balance of

1   the term. The officer subject to recall may not be a candidate.

2   (ILCON Art. III, Sec. 4.3 new)

3   SECTION 4.3. RECALL ELECTIONS; LAW IMPLEMENTING

4   The   General   Assembly,   by   law,   shall   provide   for

5   circulation,   filing,   and   certification   of   petitions,

6   nomination of candidates, and the recall election.

7   (ILCON Art. III, Sec. 4.4 new)

8   SECTION 4.4. RECALL; GOVERNOR'S OR SECRETARY'S DUTIES

9   If   recall   of   the   Governor   or   Secretary   of   State   is

10   initiated, the recall duties of that officer shall be performed

11   by the Lieutenant Governor or Comptroller, respectively.

12   (ILCON Art. III, Sec. 4.5 new)

13   SECTION 4.5. RECALL; INITIATE ANEW

14   If an officer is not recalled at an election, then another

15   recall may not be initiated against that officer until at least

16   6 months after the election.

17   (ILCON Art. III, Sec. 4.6 new)

18   SECTION 4.6. RECALL; LOCAL OFFICIALS BY LAW

19   Officers of units of local government and school districts

20   who hold office either by election or by appointment to fill a

21   vacancy in an elected office are not subject to Sections 4.1

22   through 4.5, but the General Assembly, by law, may provide for

1   <u>recall of those officers.</u>

2   SCHEDULE

3   This Constitutional Amendment takes effect upon being

4   declared adopted in accordance with Section 7 of the Illinois

5   Constitutional Amendment Act.