



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0021

Introduced , by Rep. Karen May

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 8 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers except for the Governor, members of the General Assembly, and elected salaried officers of units of local government. Provides for successor elections to fill the vacant term of a recalled officer or member. Provides for petitions to be filed with the State Board of Elections and sets requirements for petitions. Provides for the State Board of Elections to proclaim the election and set the date. Provides for objections to petitions. Provides that the recall provisions are self-executing and judicially enforceable. Effective upon being declared adopted.

LRB097 10485 RLJ 50770 e

1 HOUSE JOINT RESOLUTION
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
 4 NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
 5 SENATE 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 Section 8 to Article III
 9 of the Illinois Constitution as follows:

10 ARTICLE III
 11 SUFFRAGE AND ELECTIONS

12 (ILCON Art. III, Sec. 8 new)

13 SECTION 8. RECALL OF EXECUTIVE OFFICERS, MEMBERS OF THE GENERAL
 14 ASSEMBLY, AND LOCAL OFFICERS

15 (a) Electors may petition for the recall of an executive
 16 branch officer as identified in Section 1 of Article V except
 17 for the Governor, a member of the General Assembly, or a
 18 salaried elected officer of a unit of local government. If the
 19 recall petition is valid, on a separate ballot the question
 20 "Shall (name of person) be recalled from the office of
 21 (office)" must be submitted to the electors, along with the
 22 names of any candidates certified for the successor election,
 23 at a special election called by the State Board of Elections or

1 at a regularly scheduled election to occur not more than 100
2 days after the date of certification of the recall petition.
3 The officer or member subject to recall may be a candidate in
4 the successor election.

5 (b) An executive branch officer, a member of the General
6 Assembly, or a salaried elected officer of a unit of local
7 government is immediately removed upon certification of the
8 recall election results if a majority of the electors voting on
9 the question vote to recall the officer or member. If an
10 officer or member is recalled, the candidate who receives the
11 highest number of votes in the successor election is elected
12 successor for the balance of the term. Once a recall election
13 petition is certified, the petition may not be withdrawn and
14 another recall petition may not be initiated against that
15 officer or member during the remainder of his or her current
16 term of office.

17 (c) Any elector of the State, or the applicable Legislative
18 or Representative District or unit of local government, may
19 file an affidavit with the State Board of Elections providing
20 notice of intent to circulate a petition to recall an officer
21 or member no sooner than 6 months after the beginning of the
22 officer's or member's current term of office. An affidavit must
23 be filed by an elector of the Legislative or Representative
24 District or unit of local government for which the recall
25 petition will be circulated. The affidavit must identify the
26 name of the officer or member and the office to be recalled,

1 the name and address of the proponents of the recall petition,
2 and the date of filing with the State Board of Elections. A
3 recall petition shall not be circulated prior to filing the
4 affidavit, and a recall petition must be filed with the State
5 Board of Elections no later than 160 days after filing the
6 affidavit.

7 (d) A petition to recall an executive branch officer must
8 include signatures of electors of the State equal to at least
9 12% of the total votes cast for the office in the election at
10 which the officer or member was elected, with signatures equal
11 to at least 1% of the vote for the office from at least 5
12 separate counties. A petition to recall a member of the General
13 Assembly must be signed by electors of the applicable
14 Legislative District or Representative District equal to at
15 least 20% of the total votes cast for the office in the
16 election at which the member was elected. A petition to recall
17 a salaried officer of a unit of local government must be signed
18 by electors of the unit of local government equal to at least
19 20% of the total votes cast for the office in the election at
20 which the officer was elected. The form, circulation, and
21 manner of filing a recall petition shall comply with the
22 requirements provided by law for a statewide advisory public
23 question, except the deadlines set forth in this Section.

24 (e) A recall petition is valid unless an objection is made
25 within 45 days after the date the petition is filed, and an
26 objection to the recall petition may be made in the same manner

1 as to a candidate for the office subject to recall. The State
2 Board of Elections shall certify the recall petition not more
3 than 105 days after the date the recall petition is filed. Any
4 recall petition or election pending on the date of the next
5 general election at which a candidate for the office subject to
6 recall is elected is moot.

7 (f) If a recall election is initiated, the name of no
8 successor candidate may appear on the ballot unless a
9 nominating petition has been filed with the State Board of
10 Elections no more than 40 days after filing of the recall
11 petition. The nominating petition of an established party
12 candidate must contain the same number of signatures and be
13 circulated in the same manner as an established party candidate
14 for nomination to the office subject to recall, except the
15 petition must be circulated no more than 40 days prior to the
16 last day for filing nomination petitions. The nominating
17 petition of an independent or new party candidate must contain
18 the same number of signatures and be circulated in the same
19 manner as an independent or new party candidate, respectively,
20 for election to the office subject to recall, except the
21 petition must be circulated no more than 40 days prior to the
22 last day for filing nomination petitions. A nominating petition
23 may be objected to in the same manner as a candidate for the
24 office subject to recall, unless otherwise provided by law. The
25 State Board of Elections shall certify a valid nominating
26 petition not more than 105 days after the date the recall

1 petition is filed.

2 (g) An election to determine whether to recall an executive
3 officer, a member of the General Assembly, or an officer of a
4 unit of local government and to elect a successor shall be
5 proclaimed by the State Board of Elections and held not less
6 than 60 days and no more than 100 days after the date of
7 certification of the recall petition.

8 (h) The provisions of this Section are self-executing and
9 judicially enforceable.

10 SCHEDULE

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