

HB3543



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3543

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

New Act

Creates the Municipal Officer Recall Act (referred to as the Laquan McDonald Law). Establishes a procedure for an election to recall a mayor, city council members, or a State's Attorney. Effective immediately.

LRB101 10596 AWJ 55702 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Local Officer
6 Recall Act.

7 (b) References to Act. This Act may be referred to as the
8 Laquan McDonald Law.

9 Section 5. Applicability. In the event this Act conflicts
10 with any other provisions of law, this Act shall control
11 notwithstanding those other provisions of law.

12 Section 10. Definitions. As used in this Act:

13 "Alderman" and "mayor" have the meanings given to those
14 term in paragraph (8) of Section 1-1-2 of the Illinois
15 Municipal Code.

16 "Proponent" means a voter who initiates a recall petition
17 and has control over circulating and obtaining signatures for
18 the recall petition.

19 Section 15. Mayor recall election.

20 (a) The recall of a mayor may be proposed by a petition
21 signed by a number of electors equal in number to at least 10%

1 of the total votes cast for mayor in the preceding election. A
2 petition shall have been signed by the petitioning electors not
3 more than 150 days after an affidavit has been filed with the
4 proper election authority providing notice of intent to
5 circulate a petition to recall the mayor. The affidavit may be
6 filed no sooner than 6 months after the beginning of the
7 mayor's term of office. The affidavit shall have been signed by
8 the proponent of the recall petition and at least 2 aldermen.
9 All proponents of a recall petition must be registered voters
10 who, based on their residence, are qualified to vote for the
11 office of mayor.

12 (b) The form of the petition, circulation, and procedure
13 for determining the validity and sufficiency of a petition
14 shall be as provided by law. If the petition is valid and
15 sufficient, the proper election authority shall certify the
16 petition not more than 7 days after the date the petition was
17 filed, and the question "Shall (name) be recalled from the
18 office of (mayor/president)?" must be submitted to the electors
19 at a special recall election called by the proper election
20 authority, to occur not more than 60 days after certification
21 of the petition. A recall petition certified by the proper
22 election authority may not be withdrawn and another recall
23 petition may not be initiated against the mayor within the 6
24 months after a recall election failed to remove the mayor or if
25 the mayor has less than 6 months remaining in his or her term.
26 Any recall petition or recall election pending on the date of

1 the next election at which a candidate for mayor is elected is
2 void.

3 (c) If a petition to recall the mayor has been filed with
4 the proper election authority, a person eligible to serve as
5 mayor may propose his or her candidacy for the special
6 successor primary election by a petition signed by at least 5%
7 of legal voters of the municipality, signed not more than 50
8 days after a recall petition has been filed with the proper
9 election authority. All petitions, and procedure with respect
10 thereto, shall conform in other respects to the provisions of
11 the Election Code concerning the nomination of independent
12 candidates for public office by petition. If the successor
13 election petition is valid and sufficient, the proper election
14 authority shall certify the petition not more than 60 days
15 after the date the petition to recall the mayor was filed.

16 If the mayor is removed by the special recall election, the
17 names of candidates for mayor must be submitted to the electors
18 at a special successor primary election called by the proper
19 election authority to be held 60 days after the special recall
20 election. If no candidate receives a majority of the votes in
21 the special successor primary election, a special runoff
22 election shall be held no later than 60 days after the special
23 successor primary election, and only the names of the
24 candidates receiving the highest and second highest number of
25 votes at the special successor primary election shall appear on
26 the ballot. If more than one candidate received the highest or

1 second highest number of votes at the special successor primary
2 election, the names of all candidates receiving the highest and
3 second highest number of votes shall appear on the ballot at
4 the special runoff election. The candidate receiving the
5 highest number of votes at the special runoff election shall be
6 declared elected.

7 (d) The mayor is immediately removed upon certification of
8 the special recall election results if a majority of the
9 electors voting on the question vote to recall the mayor. If
10 the mayor is removed, then (i) the vice mayor shall serve until
11 the mayor elected at the special successor primary election or
12 special runoff election is qualified and or, if there is not a
13 vice mayor in the municipality, a person temporarily appointed
14 by the city council shall serve until a mayor is elected (ii)
15 the candidate who receives a majority of votes in the special
16 primary election or the candidate who receives the highest
17 number of votes in the special runoff election is elected mayor
18 for the balance of the term.

19 Section 20. Alderman recall election.

20 (a) The recall of an alderman of a municipality may be
21 proposed by a petition signed by a number of electors equal in
22 number to at least 10% of the total votes cast in the preceding
23 aldermanic election in that ward or 3 times the amount of
24 signatures needed to be nominated by law, whichever is greater.
25 A petition shall have been signed by the petitioning electors

1 not more than 150 days after an affidavit has been filed with
2 the proper election authority providing notice of intent to
3 circulate a petition to recall the alderman. The affidavit may
4 be filed no sooner than 6 months after the beginning of the
5 alderman's term of office. All proponents of a recall petition
6 must be registered voters who, based on their residence, are
7 qualified to vote for the alderman against which the recall
8 petition is filed.

9 (b) The form of the petition, circulation, and procedure
10 for determining the validity and sufficiency of a petition
11 shall be as provided by law. If the petition is valid and
12 sufficient, the proper election authority shall certify the
13 petition not more than 7 days after the date the petition was
14 filed, and the question "Shall (name) be recalled from the
15 office of (alderman/commissioner/trustee) for the (ward
16 number) Ward?" must be submitted to the electors at a special
17 recall election called by the proper election authority, to
18 occur not more than 60 days after certification of the
19 petition. A recall petition certified by the proper election
20 authority may not be withdrawn and another recall petition may
21 not be initiated against the alderman within the 6 months after
22 a recall election failed to remove the alderman or if the
23 alderman has less than 6 months remaining in his or her term.
24 Any recall petition or recall election pending on the date of
25 the next election at which a candidate for alderman is elected
26 is void.

1 (c) If a petition to recall the alderman has been filed
2 with the proper election authority, a person eligible to serve
3 as alderman may propose his or her candidacy for the special
4 successor primary election by a petition signed by at least 1%
5 of legal voters of the municipality, signed not more than 50
6 days after a recall petition has been filed with the proper
7 election authority. All petitions, and procedure with respect
8 thereto, shall conform in other respects to the provisions of
9 the Election Code concerning the nomination of independent
10 candidates for public office by petition. If the successor
11 election petition is valid and sufficient, the proper election
12 authority shall certify the petition not more than 60 days
13 after the date the petition to recall the alderman was filed.

14 If the alderman is removed by the special recall election,
15 the names of candidates for alderman must be submitted to the
16 electors at a special successor primary election called by the
17 proper election authority to be held 60 days after the special
18 recall election. If no candidate receives a majority of the
19 votes in the special successor primary election, a special
20 runoff election shall be held no later than 60 days after the
21 special successor primary election, and only the names of the
22 candidates receiving the highest and second highest number of
23 votes at the special successor primary election shall appear on
24 the ballot. If more than one candidate received the highest or
25 second highest number of votes at the special successor primary
26 election, the names of all candidates receiving the highest and

1 second highest number of votes shall appear on the ballot at
2 the special runoff election. The candidate receiving the
3 highest number of votes at the special runoff election shall be
4 declared elected.

5 (d) The alderman is immediately removed upon certification
6 of the special recall election results if a majority of the
7 electors voting on the question vote to recall the alderman. If
8 the alderman is removed, then (i) a special successor primary
9 election or special runoff election shall be held to determine
10 the next alderman and (ii) if no candidates are presented to
11 the proper election authority within the times required by
12 subsection (c) of this Section, then a replacement alderman
13 shall be appointed as provided by law in the event of a vacancy
14 in the office.

15 Section 25. State's Attorney recall election.

16 (a) The recall of a county's State's Attorney may be
17 proposed by a petition signed by a number of electors equal in
18 number to at least 5% of the total votes cast for the State's
19 Attorney in the preceding election. A petition shall have been
20 signed by the petitioning electors not more than 150 days after
21 an affidavit has been filed with the county clerk providing
22 notice of intent to circulate a petition to recall the State's
23 Attorney. The affidavit may be filed no sooner than 6 months
24 after the beginning of the State's Attorney's term of office.
25 All proponents of a recall petition must be registered voters

1 who, based on their residence, are qualified to vote for the
2 State's Attorney.

3 (b) The form of the petition, circulation, and procedure
4 for determining the validity and sufficiency of a petition
5 shall be as provided by law. If the petition is valid and
6 sufficient, the county clerk shall certify the petition not
7 more than 7 days after the date the petition was filed, and the
8 question "Shall (name) be recalled from the office of State's
9 Attorney?" must be submitted to the electors at a special
10 recall election called by the county clerk, to occur not more
11 than 60 days after certification of the petition. A recall
12 petition certified by the county clerk may not be withdrawn and
13 another recall petition may not be initiated against the
14 State's Attorney within the 6 months after a recall election
15 failed to remove the State's Attorney or if the State's
16 Attorney has less than 6 months remaining in his or her term.
17 Any recall petition or recall election pending on the date of
18 the next election at which a candidate for the State's Attorney
19 is elected is void.

20 (c) If a petition to recall the State's Attorney has been
21 filed with the county clerk, a person eligible to serve as
22 State's Attorney may propose his or her candidacy for the
23 special successor primary election by a petition signed by at
24 least 5% of legal voters of the county, signed not more than 50
25 days after a recall petition has been filed with the county
26 clerk. All petitions, and procedure with respect thereto, shall

1 conform in other respects to the provisions of the Election
2 Code concerning the nomination of independent candidates for
3 public office by petition. If the successor election petition
4 is valid and sufficient, the county clerk shall certify the
5 petition not more than 60 days after the date the petition to
6 recall the State's Attorney was filed.

7 If the State's Attorney is removed by the special recall
8 election, the names of candidates for State's Attorney must be
9 submitted to the electors at a special successor primary
10 election called by the county clerk to be held 60 days after
11 the special recall election. If no candidate receives a
12 majority of the votes in the special successor primary
13 election, a special runoff election shall be held no later than
14 60 days after the special successor primary election, and only
15 the names of the candidates receiving the highest and second
16 highest number of votes at the special successor primary
17 election shall appear on the ballot. If more than one candidate
18 received the highest or second highest number of votes at the
19 special successor primary election, the names of all candidates
20 receiving the highest and second highest number of votes shall
21 appear on the ballot at the special runoff election. The
22 candidate receiving the highest number of votes at the special
23 runoff election shall be declared elected.

24 (d) The State's Attorney is immediately removed upon
25 certification of the special recall election results if a
26 majority of the electors voting on the question vote to recall

1 the State's Attorney. If the State's Attorney is removed, then
2 (i) a special successor primary election or special runoff
3 election shall be held to determine the next State's Attorney
4 and (ii) if no candidates are presented to the county clerk
5 within the times required by subsection (c) of this Section,
6 then a replacement State's Attorney shall be appointed as
7 provided by law in the event of a vacancy in the office.

8 Section 30. Petitions.

9 (a) The following must be included in any recall petition
10 submitted under this Act:

11 (1) The name and title of the officer to be recalled
12 under the petition.

13 (2) A statement, not exceeding 200 words in length, of
14 the reasons for the proposed recall.

15 (3) The printed name, signature, and residential
16 address of each of the proponents of the recall.

17 (b) Within 7 days of the filing of a notice of intent to
18 recall the officer, the officer against whom a recall petition
19 is being attempted can officially file an answer, not exceeding
20 200 words in length, to the proponents and a statement of
21 defense against the recall attempt.

22 (c) Proponents shall, if possible, publish a notice of
23 intent to circulate a recall petition in an English language
24 newspaper of general circulation in the relevant jurisdiction.
25 If no newspaper operates in the jurisdiction of the officer to

1 be recalled, proponents must post the notice of intent in at
2 least 3 public places.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.