

STATE OF ILLINOIS
99th GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

89th Legislative Day

1/11/2016

Clerk Bolin: "The House Perfunctory Session will come to order. Introduction and First Reading in full of House Joint Resolution Constitutional Amendments. House Joint Resolution Constitutional Amendment #44, offered by Representative Batinick."

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, 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 Section 13 of Article VII as follows:

ARTICLE III

SUFFRAGE AND ELECTIONS

SECTION 7. INITIATIVE TO RECALL EXECUTIVE OFFICERS AND MEMBERS OF THE GENERAL ASSEMBLY

- (a) The recall of any Executive Branch officer named in Section 1 of Article V may be proposed by a petition signed by a number of electors equal in number to at least 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. In addition, the recall of any member of the General Assembly may be proposed by a petition signed by a number of electors equal in number to at least 15% of the total votes cast for Governor in the member's Legislative District or Representative District, as applicable, in the most recent Gubernatorial election. A petition shall have been signed by the petitioning electors not more than 150

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days after an affidavit has been filed with the State Board of Elections providing notice of intent to circulate a petition to recall the Executive Branch officer or member of the General Assembly. The affidavit may be filed no sooner than 6 months after the beginning of the officer's or member's term of office.

- (b) The form of the 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 100 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 same officer or member during the remainder of his or her current term of office. In the case of an Executive Branch officer, any recall petition or recall election pending on the date of the next general election at which a candidate for that office is elected is void. In the case of a member of the General Assembly, any recall petition or recall election pending on the date of the next general election at which a member is elected from that member's Legislative or Representative District is void.
- (c) If a petition to recall an Executive Branch officer or member of the General Assembly has been filed with the State Board of Elections, a person eligible to serve in the office with

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respect to which the recall petition has been filed may propose his or her candidacy by a petition signed by a number of electors equal in number to the requirement for petitions for an established party candidate for the office, 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 recall petition 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 or member of the General Assembly is immediately removed upon certification of the recall election results if a majority of the electors voting on the question vote in favor of recall. If the Governor is removed, 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

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- (ii) the candidate who receives the highest number of votes in the special successor election is elected Governor for the balance of the term. If an Executive Branch officer other than the Governor is removed, then the Governor shall appoint a successor as provided in Section 7 of Article V to serve until a successor is elected at the special successor election and qualified. If a member of the General Assembly is removed, then a successor shall be appointed as provided in Section 2 of Article IV to serve until a successor is elected at the special successor election and qualified.
- (e) If the petition to recall receives a number of signatures less than 15% (of the total votes cast for Governor in the preceding gubernatorial election), either statewide, for a Governor recall, or within a Legislative District or Representative District, for a member of the General Assembly recall, but receives more than 10%, the recall election shall be held during the next statewide election, as provided by law.

ARTICLE VII

LOCAL GOVERNMENT

SECTION 13. INITIATIVE TO RECALL LOCAL GOVERNMENT OFFICIALS

- (a) The recall of an individual holding a local elected office, including, but not limited to, mayors, village presidents, council members, school board members, community college officials, and county officials, may be proposed by a petition signed by a number of electors equal in number to at least 15% of the total votes cast for Governor in that election unit in the preceding gubernatorial election, provided that the total votes cast from that unit in the previous

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Gubernatorial election totals above 500. A petition shall have been signed by the petitioning electors not more than 150 days after an affidavit has been filed with the local election official providing notice of intent to circulate a petition to recall the official. The affidavit may be filed no sooner than 6 months after the beginning of the official's term of office. The affidavit shall have been signed by the proponent of the recall petition.

- (b) The form of the 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 local election official 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 recall election called by the local election official, to occur not more than 100 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)."

- (c) Replacement candidates wishing to be listed on the recall ballot shall be certified under the same procedures as if they were running for the applicable office in a standard election, except for the petition circulation and filing of petitions shall only be between the time the intent to recall is filed and 90 days before the election. Candidates running

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to replace the recalled officeholder shall state clearly on their petitions which officeholder they are seeking to replace.

- (d) There shall be no primary or runoff election after a recall election. The top vote-getter or vote-getters in the recall election shall replace the elected official or officials that were recalled.
- (e) The procedure to be certified to run in the recall election shall be the same as being nominated and certified in the standard election for the office to be filled. Challenges to recall petitions shall follow the same procedures as challenges to petitions under the Election Code.
- (f) If multiple officeholders from the same public office or district are being recalled, each recall question must be asked separately. All candidates running as replacements for that office and the current officeholder shall be on the ballot beneath the recall question.
- (g) A recall petition certified by the local election official may not be withdrawn and another recall petition may not be initiated against the mayor or village president during the remainder of the current term of office. Any recall petition or recall election pending on the date of the next election at which a candidate for the office is elected is void.
- (h) If the petition to recall the official receives a number of signatures less than 15% (of the total votes cast for the Governor in that election unit in the preceding gubernatorial election), but receives more than 10% (of the total votes cast for the Governor in that election unit in the preceding gubernatorial election), the recall election for the official

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shall be held during the next election in that unit of government.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act. This has been the First Reading, in full of House Joint Resolution Constitutional Amendment #44. There being no further business, the House Perfunctory Session will stand adjourned."