

# HB4041



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4041

by Rep. Barbara Wheeler

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Laquan McDonald Act. Establishes a procedure for an election to recall the Mayor of Chicago, an alderman of the City of Chicago, and the Cook County State's Attorney. Effective immediately.

LRB100 12532 MLM 25574 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. This Act may be cited as the Laquan  
5 McDonald Act.

6 Section 5. Applicability. In the event this Act conflicts  
7 with any other provisions of law, this Act shall control  
8 notwithstanding those other provisions of law.

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

10 "Alderman" means an alderman of the City of Chicago.

11 "Board of election commissioners" means the Board of  
12 Election Commissioners for the City of Chicago.

13 "Mayor" means the Mayor of Chicago.

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

17 Section 15. Recall election - Mayor of Chicago.

18 (a) The recall of the Mayor of Chicago may be proposed by a  
19 petition signed by a number of electors equal in number to at  
20 least 10% of the total votes cast for Mayor in the preceding  
21 election. A petition shall have been signed by the petitioning

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

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

1 (c) If a petition to recall the Mayor has been filed with  
2 the board of election commissioners, a person eligible to serve  
3 as Mayor may propose his or her candidacy for the special  
4 successor primary election by a petition signed by at least  
5 12,500 legal voters of the city, signed not more than 50 days  
6 after a recall petition has been filed with the board of  
7 election commissioners. All petitions, and procedure with  
8 respect thereto, shall conform in other respects to the  
9 provisions of the election and ballot laws then in force in the  
10 City of Chicago concerning the nomination of independent  
11 candidates for public office by petition. If the successor  
12 election petition is valid and sufficient, the board of  
13 election commissioners shall certify the petition not more than  
14 60 days after the date the petition to recall the Mayor was  
15 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 board of  
19 election commissioners to be held 60 days after the special  
20 recall election. If no candidate receives a majority of the  
21 votes in the special successor primary election, a special  
22 runoff election shall be held no later than 60 days after the  
23 special 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 (ii) the candidate who  
13 receives a majority of votes in the special primary election or  
14 the candidate who receives the highest number of votes in the  
15 special runoff election is elected Mayor for the balance of the  
16 term.

17 Section 20. Recall election - Chicago Alderman.

18 (a) The recall of any alderman of the City of Chicago may  
19 be proposed by a petition signed by a number of electors equal  
20 in number to at least 10% of the total votes cast in the  
21 preceding aldermanic election in that ward, or 3 times the  
22 amount of signatures needed to be nominated by law, whichever  
23 is greater. A petition shall have been signed by the  
24 petitioning electors not more than 150 days after an affidavit  
25 has been filed with the board of election commissioners

1 providing notice of intent to circulate a petition to recall  
2 the alderman. The affidavit may be filed no sooner than 6  
3 months after the beginning of the alderman's term of office.  
4 All proponents of a recall petition must be registered voters  
5 who, based on their residence, are qualified to vote for the  
6 alderman against which the recall petition is filed.

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

24 (c) If a petition to recall the alderman has been filed  
25 with the board of election commissioners, a person eligible to  
26 serve as alderman may propose his or her candidacy for the

1 special successor primary election by a petition signed by at  
2 least 500 legal voters of the city, signed not more than 50  
3 days after a recall petition has been filed with the board of  
4 election commissioners. All petitions, and procedure with  
5 respect thereto, shall conform in other respects to the  
6 provisions of the election and ballot laws then in force in the  
7 City of Chicago concerning the nomination of independent  
8 candidates for public office by petition. If the successor  
9 election petition is valid and sufficient, the board of  
10 election commissioners shall certify the petition not more than  
11 60 days after the date the petition to recall the alderman was  
12 filed.

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

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

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

14 Section 25. Recall election - Cook County State's Attorney.

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



1 residence, are qualified to vote for the office of Cook County  
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 Cook County Clerk shall certify the petition  
7 not more than 7 days after the date the petition was filed, and  
8 the question "Shall (name) be recalled from the office of Cook  
9 County State's Attorney?" must be submitted to the electors at  
10 a special recall election called by the Cook County Clerk, to  
11 occur not more than 60 days after certification of the  
12 petition. A recall petition certified by the Cook County Clerk  
13 may not be withdrawn and another recall petition may not be  
14 initiated against the Cook County State's Attorney within the 6  
15 months after a recall election failed to remove the Cook County  
16 State's Attorney or if the Cook County State's Attorney has  
17 less than 6 months remaining in his or her term. Any recall  
18 petition or recall election pending on the date of the next  
19 election at which a candidate for Cook County State's Attorney  
20 is elected is void.

21 (c) If a petition to recall the Cook County State's  
22 Attorney has been filed with the Cook County Clerk, a person  
23 eligible to serve as Cook County State's Attorney may propose  
24 his or her candidacy for the special successor primary election  
25 by a petition signed by at least 20,000 legal voters of Cook  
26 County, signed not more than 50 days after a recall petition

1 has been filed with the Cook County Clerk. All petitions, and  
2 procedure with respect thereto, shall conform in other respects  
3 to the provisions of the election and ballot laws then in force  
4 in Cook County concerning the nomination of independent  
5 candidates for public office by petition. If the successor  
6 election petition is valid and sufficient, the Cook County  
7 Clerk shall certify the petition not more than 60 days after  
8 the date the petition to recall the Cook County State's  
9 Attorney was filed.

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

1 declared elected.

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

13 Section 30. Petitions.

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

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

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

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

22 (b) Within 7 days of the filing of a notice of intent to  
23 recall the officer, the officer against whom a recall petition  
24 is being attempted can officially file an answer, not exceeding  
25 200 words in length, to the proponents and a statement of

1 defense against the recall attempt.

2 (c) Proponents shall, if possible, publish a notice of  
3 intent to circulate a recall petition in an English language  
4 newspaper of general circulation in the relevant jurisdiction.  
5 If no newspaper operates in the jurisdiction of the officer to  
6 be recalled, proponents must post the notice of intent in at  
7 least 3 public places.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.