

HB4794



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4794

Introduced 2/18/2020, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

New Act

Creates the Chicago Official Recall Act (referred to as the Laquan McDonald Law). Establishes procedures 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.

LRB101 20582 AWJ 70208 b

FISCAL NOTE ACT
MAY APPLY

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 Chicago
6 Official Recall Act.

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

9 Section 5. Conflict with other laws. If this Act conflicts
10 with any other provisions of law, this Act controls.

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

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

13 "Board of election commissioners" means the Board of
14 Election Commissioners for the City of Chicago.

15 "Mayor" means the Mayor of Chicago.

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 of Chicago recall election.

20 (a) The recall of the Mayor of Chicago may be proposed by a
21 petition signed by 25,000 electors. A petition shall have been

1 signed by the petitioning electors not more than 45 days after
2 an affidavit has been filed with the board of election
3 commissioners providing notice of intent to circulate a
4 petition to recall the Mayor. The affidavit may be filed no
5 sooner than 6 months after the beginning of the Mayor's term of
6 office. The affidavit shall have been signed by the proponent
7 of the recall petition and at least 2 aldermen. All proponents
8 of a recall petition must be registered voters who, based on
9 their residence, are qualified 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 with signatures signed
5 not more than 45 days after a recall petition has been filed
6 with the board of election commissioners. All petitions, and
7 procedure with respect thereto, shall conform in other respects
8 to the provisions of the election and ballot laws then in force
9 in the City of Chicago concerning the nomination of independent
10 candidates for public office by petition. If the successor
11 election petition is valid and sufficient, the board of
12 election commissioners shall certify the petition not more than
13 60 days after the date the petition to recall the Mayor was
14 filed. The special recall election shall occur no less than 21
15 days and no more than 45 days after certification of a
16 petition.

17 The special recall election ballot shall contain 2 parts:
18 (1) the question of whether the Mayor should be recalled; and
19 (2) the election of the successor to the Mayor if the Mayor is
20 recalled. The names of the candidates whose petitions have been
21 certified under this subsection shall appear on the ballot. If
22 the electors do not recall the Mayor, no successor is elected
23 under item (2).

24 (d) The Mayor is immediately removed upon certification of
25 the special recall election results if a majority of the
26 electors voting on the question vote to recall the Mayor. If

1 the electors approve the recall of the Mayor, the candidate
2 receiving the highest number of votes in the special recall
3 election shall be declared elected Mayor; except if no
4 candidate received at least one elector more than 50% of the
5 electors, then the names of the 2 candidates receiving the
6 highest number of votes shall appear on the ballot at a special
7 runoff election with the candidate getting the most votes being
8 declared Mayor.

9 Section 20. Chicago Alderman recall election.

10 (a) The recall of any alderman of the City of Chicago may
11 be proposed by a petition signed by 5,000 electors. A petition
12 shall have been signed by the petitioning electors not more
13 than 45 days after an affidavit has been filed with the board
14 of election commissioners providing notice of intent to
15 circulate a petition to recall the alderman. The affidavit may
16 be filed no sooner than 6 months after the beginning of the
17 alderman's term of office. All proponents of a recall petition
18 must be registered voters who, based on their residence, are
19 qualified to vote for the alderman against which the recall
20 petition is filed.

21 (b) The form of the petition, circulation, and procedure
22 for determining the validity and sufficiency of a petition
23 shall be as provided by law. If the petition is valid and
24 sufficient, the board of election commissioners shall certify
25 the petition not more than 7 days after the date the petition

1 was filed, and the question "Shall (name) be recalled from the
2 office of Alderman for the (ward number) Ward?" must be
3 submitted to the electors at a special recall election called
4 by the board of election commissioners, to occur not more than
5 60 days after certification of the petition. A recall petition
6 certified by the board of election commissioners may not be
7 withdrawn and another recall petition may not be initiated
8 against the alderman within the 6 months after a recall
9 election failed to remove the alderman or if the alderman has
10 less than 6 months remaining in his or her term. Any recall
11 petition or recall election pending on the date of the next
12 election at which a candidate for alderman is elected is void.

13 (c) If a petition to recall the alderman has been filed
14 with the board of election commissioners, a person eligible to
15 serve as alderman may propose his or her candidacy for the
16 special successor primary election by a petition with
17 signatures signed not more than 45 days after a recall petition
18 has been filed with the board of election commissioners. All
19 petitions, and procedure with respect thereto, shall conform in
20 other respects to the provisions of the election and ballot
21 laws then in force in the City of Chicago concerning the
22 nomination of independent candidates for public office by
23 petition. If the successor election petition is valid and
24 sufficient, the board of election commissioners shall certify
25 the petition not more than 60 days after the date the petition
26 to recall the alderman was filed. The special recall election

1 shall occur no less than 21 days and no more than 45 days after
2 certification of a petition.

3 The special recall election ballot shall contain 2 parts:
4 (1) the question of whether the alderman should be recalled;
5 and (2) the election of the successor to the alderman if the
6 alderman is recalled. The names of the candidates whose
7 petitions have been certified under this subsection shall
8 appear on the ballot.

9 (d) The alderman is immediately removed upon certification
10 of the special recall election results if a majority of the
11 electors voting on the question vote to recall the alderman. If
12 the electors approve the recall of the alderman, the candidate
13 receiving the highest number of votes in the special recall
14 election shall be declared elected alderman; except if no
15 candidate received at least one elector more than 50% of the
16 electors, then the names of the 2 candidates receiving the
17 highest number of votes shall appear on the ballot at a special
18 runoff election with the candidate getting the most votes being
19 declared alderman.

20 Section 25. Cook County State's Attorney recall election.

21 (a) The recall of the Cook County State's Attorney may be
22 proposed by a petition signed by 50,000 electors. A petition
23 shall have been signed by the petitioning electors not more
24 than 45 days after an affidavit has been filed with the Cook
25 County Clerk providing notice of intent to circulate a petition

1 to recall the Cook County State's Attorney. The affidavit may
2 be filed no sooner than 6 months after the beginning of the
3 Cook County State's Attorney's term of office. All proponents
4 of a recall petition must be registered voters who, based on
5 their residence, are qualified to vote for the office of Cook
6 County State's Attorney.

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 Cook County Clerk shall certify the petition
11 not more than 7 days after the date the petition was filed, and
12 the question "Shall (name) be recalled from the office of Cook
13 County State's Attorney?" must be submitted to the electors at
14 a special recall election called by the Cook County Clerk, to
15 occur not more than 60 days after certification of the
16 petition. A recall petition certified by the Cook County Clerk
17 may not be withdrawn and another recall petition may not be
18 initiated against the Cook County State's Attorney within the 6
19 months after a recall election failed to remove the Cook County
20 State's Attorney or if the Cook County State's Attorney 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 Cook County State's Attorney
24 is elected is void.

25 (c) If a petition to recall the Cook County State's
26 Attorney has been filed with the Cook County Clerk, a person

1 eligible to serve as Cook County State's Attorney may propose
2 his or her candidacy for the special successor primary election
3 by a petition with signatures signed not more than 45 days
4 after a recall petition has been filed with the Cook County
5 Clerk. All petitions, and procedure with respect thereto, shall
6 conform in other respects to the provisions of the election and
7 ballot laws then in force in Cook County concerning the
8 nomination of independent candidates for public office by
9 petition. If the successor election petition is valid and
10 sufficient, the Cook County Clerk shall certify the petition
11 not more than 60 days after the date the petition to recall the
12 Cook County State's Attorney was filed. The special recall
13 election shall occur no less than 21 days and no more than 45
14 days after certification of a petition.

15 The special recall election ballot shall contain 2 parts:
16 (1) the question of whether the State's Attorney should be
17 recalled; and (2) the election of the successor to the State's
18 Attorney if the State's Attorney is recalled. The names of the
19 candidates whose petitions have been certified under this
20 subsection shall appear on the ballot.

21 (d) The Cook County State's Attorney is immediately removed
22 upon certification of the special recall election results if a
23 majority of the electors voting on the question vote to recall
24 the Cook County State's Attorney. If the electors approve the
25 recall of the Cook County State's Attorney, the candidate
26 receiving the highest number of votes in the special recall

1 election shall be declared elected State's Attorney; except if
2 no candidate received at least one elector more than 50% of the
3 electors, then the names of the 2 candidates receiving the
4 highest number of votes shall appear on the ballot at a special
5 runoff election with the candidate getting the most votes being
6 declared Cook County State's Attorney.

7 Section 30. Petitions.

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

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

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

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

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

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

1 least 3 public places.

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