

HB0340



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0340

Introduced 1/29/2021, by Rep. Mark Batinick and Brad Halbrook

SYNOPSIS AS INTRODUCED:

New Act

Creates the Local Government Elected Official Recall Act. Provides that local officeholders that were elected during a general consolidated election may be recalled under the Act. Establishes petition requirements for recall elections. Limits home rule powers.

LRB102 04472 AWJ 14490 b

A BILL FOR

1 AN ACT concerning elections.

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 Local
5 Government Elected Official Recall Act.

6 Section 5. Local government recall elections.

7 (a) Notwithstanding any other provision of law, local
8 officeholders that were elected during a general consolidated
9 election may be recalled under this Act.

10 (b) In order to recall an elected official under this Act,
11 the organizer of the petitions of the recall must (1) reside
12 within the jurisdiction that the official represents and (2)
13 file with the local election authority petitions meeting the
14 following signature requirements of voters registered in that
15 jurisdiction supporting the recall: signatures representing
16 25% of the votes cast in that jurisdiction in the last election
17 for Governor or 10,000 signatures of residents of the
18 jurisdiction, whichever is less.

19 Before circulating petitions for a recall election, the
20 petitioner must file with the appropriate election authority.
21 Such filing shall contain the name of the petitioner
22 requesting the recall, the officeholder to be recalled, and
23 the reason for the recall. Circulation of petitions may only

1 begin after the filing of the intent to recall. The recall
2 petitions shall follow the same general format as petitions
3 for running for office, but shall include the words "RECALL
4 PETITION" on the top of each form with the reason for the
5 recall also printed on the form.

6 The intent to recall may be filed any time after an
7 officeholder has been in office for more than one year. Recall
8 petitions can only be circulated between 120 and 180 days
9 before a general consolidated election and after the intent to
10 recall has been filed. Petitions can be filed anytime between
11 120 and 180 days before a general consolidated election.

12 (c) All recall elections under this Act shall be conducted
13 during consolidated elections. The ballot question or the
14 recall shall read as follows:

15 "Should (elected official) be recalled from (his or her)
16 positions as (title of position)? (YES/NO)

17 If (elected official) is recalled, who do you support to
18 replace (him or her)?

19 (Elected official).

20 (Candidate).

21 (Candidate)."

22 (d) Replacement candidates wishing to be listed on the
23 recall ballot shall be certified under the same procedures as
24 if they were running for the applicable office in a standard
25 election, except for the petition circulation and filing of
26 petitions shall only be between the time the intent to recall

1 is filed and 90 days before the election. Candidates running
2 to replace the recalled officeholder shall state clearly on
3 their petitions which officeholder they are seeking to
4 replace.

5 (e) There shall be no primary or runoff election after a
6 recall election. The top vote-getter or vote-getters in the
7 recall election shall replace the elected official or
8 officials that were recalled.

9 (f) The procedure to be certified to run in the recall
10 election shall be the same as being nominated and certified in
11 the standard election for the office to be filled. Challenges
12 to recall petitions shall follow the same procedures as
13 challenges to petitions under the Election Code.

14 (g) If multiple officeholders from the same public office
15 or district are being recalled, each recall question must be
16 asked separately. All candidates running as replacements for
17 that office and the current officeholder shall be on the
18 ballot beneath the recall question.

19 Section 10. Home Rule. A home rule unit may not regulate
20 the recall of local officeholders that were elected during a
21 general consolidated election in a manner inconsistent with
22 this Act. This Act is a limitation under subsection (i) of
23 Section 6 of Article VII of the Illinois Constitution on the
24 concurrent exercise by home rule units of powers and functions
25 exercised by the State.