



Rep. Chris Bos

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10200HB1100ham003

LRB102 03114 AWJ 38732 a

1 AMENDMENT TO HOUSE BILL 1100

2 AMENDMENT NO. _____. Amend House Bill 1100 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Cook
5 County State's Attorney Recall Act.

6 Section 5. Applicability. If this Act conflicts with any
7 other provisions of law, this Act controls notwithstanding
8 those other provisions of law.

9 Section 10. Recall election; Cook County State's Attorney.

10 (a) The recall of the Cook County State's Attorney may be
11 proposed by a petition signed by a number of electors equal in
12 number to at least 5% of the total votes cast for Cook County
13 State's Attorney in the preceding election. A petition shall
14 have been signed by the petitioning electors not more than 150
15 days after an affidavit has been filed with the Cook County

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

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18 may not be withdrawn and another recall petition may not be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

26 (c) If a petition to recall the Cook County State's

1 Attorney has been filed with the Cook County Clerk, a person
2 eligible to serve as Cook County State's Attorney may propose
3 his or her candidacy for the special successor primary
4 election by a petition signed by at least 20,000 legal voters
5 of Cook County, signed not more than 50 days after a recall
6 petition has been filed with the Cook County Clerk. All
7 petitions, and procedure with respect thereto, shall conform
8 in other respects to the provisions of the election and ballot
9 laws then in force in Cook County concerning the nomination of
10 independent candidates for public office by petition. If the
11 successor election petition is valid and sufficient, the Cook
12 County Clerk shall certify the petition not more than 60 days
13 after the date the petition to recall the Cook County State's
14 Attorney was filed.

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

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

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

19 Section 15. Petitions.

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

22 (1) The name and title of the Cook County State's
23 Attorney to be recalled under the petition.

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

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

3 (b) Within 7 days of the filing of a notice of intent to
4 recall the Cook County State's Attorney, the Cook County
5 State's Attorney may officially file an answer, not exceeding
6 200 words in length, to the proponents and a statement of
7 defense against the recall attempt.

8 (c) Proponents shall, if possible, publish a notice of
9 intent to circulate a recall petition in an English language
10 newspaper of general circulation in Cook County. If no
11 newspaper operates in Cook County, proponents must post the
12 notice of intent in at least 3 public places.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".