



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0028**

Introduced 8/1/2007, by Rep. Jack D. Franks

**SYNOPSIS AS INTRODUCED:**

ILCON Art. III, Sec. 4.1 new  
ILCON Art. III, Sec. 4.2 new  
ILCON Art. III, Sec. 4.3 new  
ILCON Art. III, Sec. 4.4 new  
ILCON Art. III, Sec. 4.5 new  
ILCON Art. III, Sec. 4.6 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers, members of the General Assembly, and supreme, appellate, and circuit judges. Sets forth requirements for petitions and elections. Allows the General Assembly, by law, to provide for recall of officers of units of local government and school districts. Contains other provisions. Effective upon being declared adopted.

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1 HOUSE JOINT RESOLUTION  
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
5 SENATE CONCURRING HEREIN, that there shall be submitted to the  
6 electors of the State for adoption or rejection at the general  
7 election next occurring at least 6 months after the adoption of  
8 this resolution a proposition to add Sections 4.1, 4.2, 4.3,  
9 4.4, 4.5, and 4.6 to Article III of the Illinois Constitution  
10 as follows:

11 ARTICLE III  
12 SUFFRAGE AND ELECTIONS

13 (ILCON Art. III, Sec. 4.1 new)

14 SECTION 4.1. RECALL PETITIONS; STATE OFFICERS

15 (a) Recall of an executive branch officer, as identified in  
16 Section 1 of Article V, a member of the General Assembly, or a  
17 supreme, appellate, or circuit judge is initiated by delivering  
18 to the Secretary of State a petition alleging reason for  
19 recall. Sufficiency of reason is not reviewable. After the  
20 initial petition is filed, proponents have 160 days to file  
21 signed petitions.

22 (b) A petition to recall an executive branch officer must  
23 be signed by electors of the State equal to at least 12% of the

1 last vote for the office, with signatures from each of at least  
2 5 counties equal to at least 1% of the last vote for the office  
3 in the county. A petition to recall a member of the General  
4 Assembly or a supreme, an appellate, or a circuit judge must be  
5 signed by electors of the district that elected the member or  
6 judge equal to at least 20% of the last vote for the office.

7 (c) The Secretary of State shall maintain a continuous  
8 count of the signatures certified to the Secretary.

9 (ILCON Art. III, Sec. 4.2 new)

10 SECTION 4.2. RECALL ELECTIONS; STATE OFFICERS

11 (a) An election to determine whether to recall an officer  
12 and, if appropriate, to elect a successor shall be called by  
13 the Governor and held not less than 60 days nor more than 80  
14 days after the date of certification of sufficient signatures.

15 (b) A recall election may be conducted within 180 days  
16 after the date of certification of sufficient signatures in  
17 order that the election may be consolidated with the next  
18 regularly scheduled election occurring wholly or partially  
19 within the same jurisdiction in which the recall election is  
20 held, but only if the number of voters eligible to vote at that  
21 next regularly scheduled election equal at least 50% of all the  
22 voters eligible to vote at the recall election.

23 (c) If the majority vote on the question is to recall, the  
24 officer is removed and, if there is a candidate, the candidate  
25 who receives a plurality is the successor for the balance of

1 the term. The officer subject to recall may not be a candidate.

2 (ILCON Art. III, Sec. 4.3 new)

3 SECTION 4.3. RECALL ELECTIONS; LAW IMPLEMENTING

4 The General Assembly, by law, shall provide for  
5 circulation, filing, and certification of petitions,  
6 nomination of candidates, and the recall election.

7 (ILCON Art. III, Sec. 4.4 new)

8 SECTION 4.4. RECALL; GOVERNOR'S OR SECRETARY'S DUTIES

9 If recall of the Governor or Secretary of State is  
10 initiated, the recall duties of that officer shall be performed  
11 by the Lieutenant Governor or Comptroller, respectively.

12 (ILCON Art. III, Sec. 4.5 new)

13 SECTION 4.5. RECALL; INITIATE ANEW

14 If an officer is not recalled at an election, then another  
15 recall may not be initiated against that officer until at least  
16 6 months after the election.

17 (ILCON Art. III, Sec. 4.6 new)

18 SECTION 4.6. RECALL; LOCAL OFFICIALS BY LAW

19 Officers of units of local government and school districts  
20 who hold office either by election or by appointment to fill a  
21 vacancy in an elected office are not subject to Sections 4.1  
22 through 4.5, but the General Assembly, by law, may provide for

1 recall of those officers.

2 SCHEDULE

3 This Constitutional Amendment takes effect upon being  
4 declared adopted in accordance with Section 7 of the Illinois  
5 Constitutional Amendment Act.