



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0031

Introduced 1/9/2008, by Rep. Patricia Reid Lindner

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.

LRB095 15471 JAM 41464 e

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; REIMBURSEMENT; INITIATE ANEW

14 An officer who is not recalled shall be reimbursed by the
15 State for the officer's recall election expenses legally and
16 personally incurred. Another recall may not be initiated
17 against the officer until at least 6 months after the election.

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

19 SECTION 4.6. RECALL; LOCAL OFFICIALS BY LAW

20 Officers of units of local government and school districts
21 who hold office either by election or by appointment to fill a
22 vacancy in an elected office are not subject to Sections 4.1

1 through 4.5, but the General Assembly, by law, may provide for
2 recall of those officers.

3 SCHEDULE

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