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LRB096 22277 EFG 41229 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, The 96th General Assembly of the State of Illinois
3 has submitted House Joint Resolution Constitutional Amendment
4 31, a proposition to amend the Illinois Constitution, to the
5 voters of Illinois at the November 2010 general election; and

6 WHEREAS, The Illinois Constitutional Amendment Act
7 requires the General Assembly to prepare a brief explanation of
8 the proposed amendment, a brief argument in favor of the
9 amendment, a brief argument against the amendment, and the form
10 in which the amendment will appear on the ballot, and also
11 requires the information to be published and distributed to the
12 electorate; therefore, be it

13 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
14 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
15 SENATE CONCURRING HEREIN, that the proposed form of new Section
16 7 of Article III shall be published as follows:

17 "ARTICLE III

18 SUFFRAGE AND ELECTIONS

19 SECTION 7. INITIATIVE TO RECALL GOVERNOR

20 (a) The recall of the Governor may be proposed by a
21 petition signed by a number of electors equal in number to at

1 least 15% of the total votes cast for Governor in the preceding
2 gubernatorial election, with at least 100 signatures from each
3 of at least 25 separate counties. A petition shall have been
4 signed by the petitioning electors not more than 150 days after
5 an affidavit has been filed with the State Board of Elections
6 providing notice of intent to circulate a petition to recall
7 the Governor. The affidavit may be filed no sooner than 6
8 months after the beginning of the Governor's term of office.
9 The affidavit shall have been signed by the proponent of the
10 recall petition, at least 20 members of the House of
11 Representatives, and at least 10 members of the Senate, with no
12 more than half of the signatures of members of each chamber
13 from the same established political party.

14 (b) The form of the petition, circulation, and procedure
15 for determining the validity and sufficiency of a petition
16 shall be as provided by law. If the petition is valid and
17 sufficient, the State Board of Elections shall certify the
18 petition not more than 100 days after the date the petition was
19 filed, and the question "Shall (name) be recalled from the
20 office of Governor?" must be submitted to the electors at a
21 special election called by the State Board of Elections, to
22 occur not more than 100 days after certification of the
23 petition. A recall petition certified by the State Board of
24 Elections may not be withdrawn and another recall petition may
25 not be initiated against the Governor during the remainder of
26 the current term of office. Any recall petition or recall

1 election pending on the date of the next general election at
2 which a candidate for Governor is elected is moot.

3 (c) If a petition to recall the Governor has been filed
4 with the State Board of Elections, a person eligible to serve
5 as Governor may propose his or her candidacy by a petition
6 signed by a number of electors equal in number to the
7 requirement for petitions for an established party candidate
8 for the office of Governor, signed by petitioning electors not
9 more than 50 days after a recall petition has been filed with
10 the State Board of Elections. The form of a successor election
11 petition, circulation, and procedure for determining the
12 validity and sufficiency of a petition shall be as provided by
13 law. If the successor election petition is valid and
14 sufficient, the State Board of Elections shall certify the
15 petition not more than 100 days after the date the petition to
16 recall the Governor was filed. Names of candidates for
17 nomination to serve as the candidate of an established
18 political party must be submitted to the electors at a special
19 primary election, if necessary, called by the State Board of
20 Elections to be held at the same time as the special election
21 on the question of recall established under subsection (b).
22 Names of candidates for the successor election must be
23 submitted to the electors at a special successor election
24 called by the State Board of Elections, to occur not more than
25 60 days after the date of the special primary election or on a
26 date established by law.

1 (d) The Governor is immediately removed upon certification
2 of the recall election results if a majority of the electors
3 voting on the question vote to recall the Governor. If the
4 Governor is removed, then (i) an Acting Governor determined
5 under subsection (a) of Section 6 of Article V shall serve
6 until the Governor elected at the special successor election is
7 qualified and (ii) the candidate who receives the highest
8 number of votes in the special successor election is elected
9 Governor for the balance of the term."; and be it further

10 RESOLVED, That a brief explanation of the proposed
11 amendment, a brief argument in favor of the amendment, a brief
12 argument against the amendment, and the form in which the
13 amendment will appear on the ballot shall be published and
14 distributed as follows:

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**PROPOSED AMENDMENT
TO ADD SECTION 7 TO ARTICLE III
OF THE ILLINOIS CONSTITUTION**

**That will be submitted to the voters
November 2, 2010**

This pamphlet includes

- EXPLANATION OF THE PROPOSED AMENDMENT***
- ARGUMENTS IN FAVOR OF THE AMENDMENT***
- ARGUMENTS AGAINST THE AMENDMENT***
- FORM OF BALLOT***

1 *To the Electors of the State of Illinois:*

2 The purpose of a state constitution is to establish a structure
3 for government and laws. The Illinois Constitution provides
4 citizens with rights and protections; creates the executive,
5 judicial, and legislative branches of government; clarifies
6 the powers given to local governments; limits the taxing power
7 of the State; and imposes certain restrictions on the use of
8 taxpayer dollars. There are three ways to initiate change to
9 the Illinois Constitution: (1) a constitutional convention may
10 propose changes to any part; (2) the General Assembly may
11 propose changes to any part; or (3) the people of the State by
12 referendum may propose changes to the Legislative Article.
13 Regardless of the method of initiating change, the people of
14 Illinois must approve any changes to the Constitution before
15 they become effective.

16 The proposed amendment, which takes effect upon approval by the
17 voters, adds Section 7 to the Suffrage and Elections Article of
18 the Illinois Constitution. The new section would provide the
19 State's electors with an option to petition for a special
20 election to recall a Governor and for the election of a
21 successor Governor. At the general election to be held on
22 November 2, 2010, you will be called upon to decide whether the
23 proposed amendment should become part of the Illinois
24 Constitution.

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EXPLANATION

2 The Illinois Constitution provides the General Assembly with
3 exclusive authority to remove a Governor through the
4 impeachment process. The Illinois Constitution also provides
5 that the order of succession to the office of Governor shall be
6 the Lieutenant Governor, the elected Attorney General, the
7 elected Secretary of State, and then as provided by law. The
8 proposed amendment would provide the State's electors with the
9 ability to initiate a special election to recall a Governor and
10 elect a new Governor.

11 To begin the recall process, an elector must file an affidavit
12 of intent to circulate petitions to recall a Governor no sooner
13 than 6 months after the beginning of the Governor's term of
14 office. The affidavit must include signatures of the proponent
15 of the recall petition, at least 20 members of the House of
16 Representatives, and at least 10 members of the Senate, with no
17 more than half of the signatures in each chamber from the same
18 political party. After filing the affidavit with the State
19 Board of Elections, the proponent has 150 days to circulate a
20 petition. The petition must include signatures equal to 15% of
21 the total votes cast for Governor in the preceding
22 gubernatorial election, with at least 100 signatures from a
23 minimum of 25 counties. Within 100 days, the State Board of

1 Elections must certify or reject the petition, and if the Board
2 certifies the petition, a special election must be held within
3 100 days after the certification. The special election ballot
4 shall include the question, "Shall (name) be removed from the
5 office of Governor?". The Governor is immediately removed if a
6 majority of the electors voting on the question vote to recall
7 the Governor.

8 Persons seeking to be elected to serve as the successor
9 Governor may circulate nomination petitions. A petition must be
10 signed by 5,000 electors. If multiple candidates of the same
11 party file petitions, a special primary election will occur on
12 the same day as the recall election.

13 If a Governor is recalled, a special election to elect the
14 successor Governor must take place within 60 days. An Acting
15 Governor, as determined by the order of succession, shall
16 assume the duties of the Governor until the electors choose a
17 new Governor. The special election ballot will include the
18 names of the candidates nominated at the special primary
19 election, as well as any independent or new party candidates,
20 on a special election ballot. The candidate receiving the
21 highest number of votes shall be elected Governor for the
22 balance of the term.

23 Voters that believe the Illinois Constitution should be amended

1 to provide for a special election to recall a Governor and for
2 a special election to elect a successor Governor should vote
3 **"YES"** on the question. Three-fifths of those voting on the
4 question, or a majority of those voting in the election, must
5 vote "YES" in order for the amendment to become effective.
6 Voters that believe the Illinois Constitution should not be
7 amended to provide for a special election to recall a Governor
8 and for a special election to elect a successor Governor should
9 vote **"NO"** on the question.

10 **Arguments In Favor of the Proposed Amendment**

11 1. Electors of the State should have the ability to remove
12 a Governor mid-term.

13 2. The recall process increases citizen participation.

14 3. Electors should not have to rely on the impeachment
15 process.

16 **Check on the Governor**

17 Currently, a Governor may serve his or her full term without
18 fear of public reprisal. Recall will serve as a warning to a
19 Governor that the will of the people cannot be taken for
20 granted. Furthermore, simply permitting the electors to
21 circulate petitions serves as an important check on the
22 activities of a Governor.

1 **Increases Citizen Participation**

2 Permitting the electors to initiate the recall process
3 encourages citizen participation in government. Electors are
4 granted an additional power with regard to protections against
5 improper governance. Citizens will have the power to initiate a
6 recall if they believe it is in the best interest of the State.
7 This Constitutional Amendment would give Illinois citizens a
8 recall mechanism similar to that available to the citizens of
9 eighteen other states.

10 **Impeachment Is Not Certain**

11 There is no guarantee that the General Assembly will conduct
12 impeachment hearings or impeach and remove a Governor. The
13 electors should have a mechanism to begin the process if the
14 General Assembly fails to do so. A focused recall effort will
15 inform the General Assembly of the public's desire for
16 impeachment.

17 **Arguments Against the Proposed Amendment**

18 1. The cost of a special election to recall a Governor
19 could total as much as \$101 million.

20 2. A Governor can be removed through the impeachment
21 process.

22 3. Recall elections will be used to play political games,
23 rather than ensure the welfare of the citizens.

1 **Expenses Could Be High**

2 Illinois is in the midst of a financial crisis that would be
3 made worse by holding a special election to recall a Governor
4 and a special election to elect a successor Governor. The State
5 Board of Elections estimates the total costs could reach
6 \$101,070,000. Considering that the Governor is elected every 4
7 years and we can remove a Governor through the impeachment
8 process, a special election is a major expense that taxpayers
9 do not need.

10 **The Impeachment Process Works**

11 The House of Representatives has the sole power to conduct
12 investigations and impeach a Governor. Impeachments are tried
13 by the Senate and, if the Governor is convicted, the Senate may
14 remove the Governor and disqualify him or her from holding any
15 public office in Illinois. The impeachment process ensures that
16 serious abuses and misconduct are not tolerated. The citizens
17 of Illinois are now familiar with the impeachment process.

18 **Political Games**

19 The process established by the amendment could lead to
20 political gamesmanship. Coordinating a statewide effort to
21 recall a Governor will be expensive and can be accomplished
22 only with the financial assistance of political parties,
23 special interest groups, and lobbyists. These groups will

1 coordinate recall petition drives to advance their own agendas.
2 Additionally, a Governor concerned about the threat of recall
3 may be unable to make unpopular decisions, even if the decision
4 is in the best interest of the State. There is no way to ensure
5 that the recall process will be used to remove a Governor for
6 cause, rather than merely for political purposes.

7 **FORM OF BALLOT**

8 Proposed Amendment to the 1970 Illinois Constitution

9 Explanation of Amendment

10 The proposed amendment, which takes effect upon approval by the
11 voters, adds a new section to the Suffrage and Elections
12 Article of the Illinois Constitution. The new section would
13 provide the State's electors with an option to petition for a
14 special election to recall the Governor and for the election of
15 a successor Governor. At the general election to be held on
16 November 2, 2010, you will be called upon to decide whether the
17 proposed amendment should become part of the Illinois
18 Constitution.

19 If you believe the Illinois Constitution should be amended to
20 provide for a special election to recall a Governor and for a
21 special election to elect a successor Governor, you should vote
22 **"YES"** on the question. If you believe the Illinois Constitution

1 should not be amended to provide for a special election to
 2 recall a Governor and for a special election to elect a
 3 successor Governor, you should vote **"NO"** on the question.
 4 Three-fifths of those voting on the question or a majority of
 5 those voting in the election must vote "YES" in order for the
 6 amendment to become effective.

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 8 YES For the proposed addition
 9 ----- of Section 7 to Article III
 10 NO of the Illinois Constitution.
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