



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0033**

Introduced , by Rep. Dave Winters

**SYNOPSIS AS INTRODUCED:**

ILCON Art. III, Sec. 7 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for initiation of recall of General Assembly members by elector petition and for the election of successor members. Effective upon being declared adopted.

LRB096 13234 JAM 27894 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-SIXTH 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 amend Article III of the  
 9 Illinois Constitution by adding Section 7 as follows:

10 ARTICLE III  
 11 SUFFRAGE AND ELECTIONS

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

13 SECTION 7. RECALL OF MEMBERS OF THE GENERAL ASSEMBLY

14 (a) Electors may petition for the recall of a member of the  
 15 General Assembly. If the recall petition is valid, on a  
 16 separate ballot the question "Shall (member) be recalled from  
 17 the General Assembly?" must be submitted to the electors, along  
 18 with the names of any candidates certified for the successor  
 19 election, at a special election called by the State Board of  
 20 Elections or at a regularly scheduled election to occur as  
 21 described in subsection (g). The member subject to recall may  
 22 be a candidate in the successor election.

23 (b) A member of the General Assembly is immediately removed

1 upon certification of the recall election results if a majority  
2 of the electors voting on the question vote to recall the  
3 member. If a member is recalled, the candidate who receives the  
4 highest number of votes in the successor election is elected  
5 successor for the balance of the term. Once a recall petition  
6 is certified, the petition may not be withdrawn and another  
7 recall petition may not be initiated against that member during  
8 the remainder of his or her current term of office.

9 (c) Any elector of the applicable Legislative or  
10 Representative District may file an affidavit with the State  
11 Board of Elections providing notice of intent to circulate a  
12 petition to recall a member no sooner than 6 months after the  
13 beginning of the member's current term of office. The affidavit  
14 must identify the name of the member and the office to be  
15 recalled, the name and address of the proponents of the recall  
16 petition, and the date of filing with the State Board of  
17 Elections. A recall petition shall not be circulated prior to  
18 filing the affidavit, and a recall petition must be filed with  
19 the State Board of Elections no later than 160 days after  
20 filing the affidavit.

21 (d) A petition to recall a member of the General Assembly  
22 must be signed by electors of the respective Legislative  
23 District or Representative District equal to at least 20% of  
24 the total votes cast for the office in the election at which  
25 the member was elected. The form, circulation, and manner of  
26 filing a recall petition shall comply with the requirements

1 provided by law for a statewide advisory public question,  
2 except the deadlines set forth in this Section.

3 (e) A recall petition is valid unless an objection is made  
4 within 45 days after the date the petition is filed, and an  
5 objection to the recall petition may be made in the same manner  
6 as to that of a candidate for the office subject to recall. The  
7 State Board of Elections shall certify the recall petition not  
8 more than 105 days after the date the recall petition is filed.  
9 Any recall petition or election pending on the date of the next  
10 general election at which a candidate for the office subject to  
11 recall is elected is moot.

12 (f) If a recall election is initiated, the name of no  
13 successor candidate may appear on the ballot unless a  
14 nominating petition has been filed with the State Board of  
15 Elections no more than 40 days after filing of the recall  
16 petition. The nominating petition of an established party  
17 candidate must contain the same number of signatures and be  
18 circulated in the same manner as an established party candidate  
19 for nomination to the office subject to recall, except the  
20 petition must be circulated no more than 40 days prior to the  
21 last day for filing nomination petitions. The nominating  
22 petition of an independent or new party candidate must contain  
23 the same number of signatures and be circulated in the same  
24 manner as an independent or new party candidate, respectively,  
25 for election to the office subject to recall, except the  
26 petition must be circulated no more than 40 days prior to the

1 last day for filing nomination petitions. A nominating petition  
2 may be objected to in the same manner as to that of a candidate  
3 for the office subject to recall, unless otherwise provided by  
4 law. The State Board of Elections shall certify a valid  
5 nominating petition not more than 105 days after the date the  
6 recall petition is filed.

7 (g) An election to determine whether to recall a member of  
8 the General Assembly and to elect a successor shall be  
9 proclaimed by the State Board of Elections and held not less  
10 than 60 days and no more than 100 days after the date of  
11 certification of the recall petition.

12 (h) The provisions of this Section are self-executing and  
13 judicially enforceable.

14 SCHEDULE

15 This Constitutional Amendment takes effect upon being  
16 declared adopted in accordance with Section 7 of the Illinois  
17 Constitutional Amendment Act.