



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0041**

Introduced , by Rep. William B. Black

**SYNOPSIS AS INTRODUCED:**

ILCON Art. III, Sec. 7 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for elections to recall State executive branch officers and members of the General Assembly. Provides for successor elections to fill the vacant term of a recalled officer or member. Provides for petitions to be filed with the State Board of Elections and sets requirements for petitions. Provides for the State Board of Elections to proclaim the election and set the date. Provides for objections to petitions. Provides that the recall provisions are self-executing and judicially enforceable. Effective upon being declared adopted.

LRB096 17176 JAM 32510 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 add Section 7 to Article III  
 9 of the Illinois Constitution as follows:

10 ARTICLE III  
 11 SUFFRAGE AND ELECTIONS

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

13 SECTION 7. RECALL OF EXECUTIVE OFFICERS AND MEMBERS OF THE  
 14 GENERAL ASSEMBLY

15 (a) Electors may petition for the recall of an executive  
 16 branch officer as identified in Section 1 of Article V or a  
 17 member of the General Assembly. If the recall petition is  
 18 valid, on a separate ballot the question "Shall (officer) be  
 19 recalled from the office of (office)" must be submitted to the  
 20 electors, along with the names of any candidates certified for  
 21 the successor election, at a special election called by the  
 22 State Board of Elections or at a regularly scheduled election  
 23 to occur not more than 100 days after the date of certification

1 of the recall petition. The officer or member subject to recall  
2 may be a candidate in the successor election.

3 (b) An executive branch officer or member of the General  
4 Assembly is immediately removed upon certification of the  
5 recall election results if a majority of the electors voting on  
6 the question vote to recall the officer or member. If an  
7 officer or member is recalled, the candidate who receives the  
8 highest number of votes in the successor election is elected  
9 successor for the balance of the term. Once a recall election  
10 petition is certified, the petition may not be withdrawn and  
11 another recall petition may not be initiated against that  
12 officer or member during the remainder of his or her current  
13 term of office.

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

26 (d) A petition to recall an executive branch officer must

1 include signatures of at least 100,000 electors of the State. A  
2 petition to recall a member of the General Assembly must be  
3 signed by electors of the respective Legislative District or  
4 Representative District equal to at least 8% of the total votes  
5 cast for the office in the election at which the member was  
6 elected. The form, circulation, and manner of filing a recall  
7 petition shall comply with the requirements provided by law for  
8 a statewide advisory public question, except the deadlines set  
9 forth in this Section.

10 (e) A recall petition is valid unless an objection is made  
11 within 45 days after the date the petition is filed, and an  
12 objection to the recall petition may be made in the same manner  
13 as to a candidate for the office subject to recall. The State  
14 Board of Elections shall certify the recall petition not more  
15 than 105 days after the date the recall petition is filed. Any  
16 recall petition or election pending on the date of the next  
17 general election at which a candidate for the office subject to  
18 recall is elected is moot.

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

1 petition must be circulated no more than 40 days prior to the  
2 last day for filing nomination petitions. The nominating  
3 petition of an independent or new party candidate must contain  
4 the same number of signatures and be circulated in the same  
5 manner as an independent or new party candidate, respectively,  
6 for election to the office subject to recall, except the  
7 petition must be circulated no more than 40 days prior to the  
8 last day for filing nomination petitions. A nominating petition  
9 may be objected to in the same manner as a candidate for the  
10 office subject to recall, unless otherwise provided by law. The  
11 State Board of Elections shall certify a valid nominating  
12 petition not more than 105 days after the date the recall  
13 petition is filed.

14 (g) An election to determine whether to recall an executive  
15 officer or member of the General Assembly and to elect a  
16 successor shall be proclaimed by the State Board of Elections  
17 and held not less than 60 days and no more than 100 days after  
18 the date of certification of the recall petition.

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

21 SCHEDULE

22 This Constitutional Amendment takes effect upon being  
23 declared adopted in accordance with Section 7 of the Illinois  
24 Constitutional Amendment Act.