



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0027**

Introduced , by Rep. Jack D. Franks

**SYNOPSIS AS INTRODUCED:**

ILCON Art. III, Sec. 7

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. Effective upon being declared adopted.

LRB097 10890 HLH 51421 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

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

10 ARTICLE III  
 11 SUFFRAGE AND ELECTIONS

12 (ILCON Art. III, Sec. 7)  
 13 SECTION 7. INITIATIVE TO RECALL EXECUTIVE OFFICERS AND MEMBERS  
 14 OF THE GENERAL ASSEMBLY ~~GOVERNOR~~

15 (a) The recall of an executive branch officer as identified  
 16 in Section 1 of Article V ~~the Governor~~ may be proposed by a  
 17 petition signed by a number of electors equal in number to at  
 18 least 15% of the total votes cast for that office ~~Governor~~ in  
 19 the election at which the officer was last elected ~~preceding~~  
 20 ~~gubernatorial election~~, with at least 100 signatures from each  
 21 of at least 25 separate counties. A petition shall have been  
 22 signed by the petitioning electors not more than 150 days after  
 23 an affidavit has been filed with the State Board of Elections

1 providing notice of intent to circulate a petition to recall  
2 the officer ~~Governor~~. The affidavit may be filed no sooner than  
3 6 months after the beginning of the officer's ~~Governor's~~ term  
4 of office. The affidavit shall have been signed by the  
5 proponent of the recall petition, at least 20 members of the  
6 House of Representatives, and at least 10 members of the  
7 Senate, with no more than half of the signatures of members of  
8 each chamber from the same established political party.

9 (a-5) In addition, electors may petition for the recall of  
10 a member of the General Assembly. A petition to recall a member  
11 of the General Assembly must be signed by electors of the  
12 respective Legislative District or Representative District  
13 equal to at least 20% of the total votes cast for the office in  
14 the election at which the member was elected. The form,  
15 circulation, and manner of filing a recall petition shall  
16 comply with the requirements provided by law for a statewide  
17 advisory public question, except the deadlines set forth in  
18 this Section.

19 (b) The form of the petition, circulation, and procedure  
20 for determining the validity and sufficiency of a petition  
21 shall be as provided by law. If the petition is valid and  
22 sufficient, the State Board of Elections shall certify the  
23 petition not more than 100 days after the date the petition was  
24 filed, and the question "Shall (name) be recalled from (office)  
25 ~~the office of Governor?~~" must be submitted to the electors at a  
26 special election called by the State Board of Elections, to

1 occur not more than 100 days after certification of the  
2 petition. A recall petition certified by the State Board of  
3 Elections may not be withdrawn and another recall petition may  
4 not be initiated against the member or officer ~~Governor~~ during  
5 the remainder of the current term of office. Any recall  
6 petition or recall election pending on the date of the next  
7 general election at which a candidate for the office subject to  
8 recall ~~Governor~~ is elected is moot.

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

1 the State Board of Elections to be held at the same time as the  
2 special election on the question of recall established under  
3 subsection (b). Names of candidates for the successor election  
4 must be submitted to the electors at a special successor  
5 election called by the State Board of Elections, to occur not  
6 more than 60 days after the date of the special primary  
7 election or on a date established by law.

8 (d) The Executive Branch officer or member of the General  
9 Assembly ~~Governor~~ is immediately removed upon certification of  
10 the recall election results if a majority of the electors  
11 voting on the question vote in favor of recall ~~to recall the~~  
12 ~~Governor~~. If the Governor is removed, then (i) an Acting  
13 Governor determined under subsection (a) of Section 6 of  
14 Article V shall serve until the Governor elected at the special  
15 successor election is qualified and (ii) the candidate who  
16 receives the highest number of votes in the special successor  
17 election is elected Governor for the balance of the term. If an  
18 Executive Branch officer other than the Governor is removed,  
19 then the Governor shall appoint a successor as provided in  
20 Section 7 of Article V to serve until a successor is elected at  
21 the special successor election and qualified. If a member of  
22 the General Assembly is removed, then a successor shall be  
23 appointed as provided in Section 2 of Article IV to serve until  
24 a successor is elected at the special successor election and  
25 qualified.

26 (Source: Amendment adopted at general election November 2,

1 2010.)

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.