

HB5993



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5993

by Rep. Ed Sullivan

SYNOPSIS AS INTRODUCED:

65 ILCS 5/3.1-10-67 new
65 ILCS 20/21-24.5 new

Amends the Municipal Code and the Revised Cities and Villages Act of 1941. Establishes a procedure for an election to recall mayors and village presidents. Effective immediately.

LRB099 19675 MGM 44072 b

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Municipal Code is amended by adding Section
5 3.1-10-67 as follows:

6 (65 ILCS 5/3.1-10-67 new)

7 Sec. 3.1-10-67. Recall election-mayors and village
8 presidents.

9 (a) The recall of a mayor or village president may be
10 proposed by a petition signed by a number of electors equal in
11 number to at least 15% of the total votes cast for that office
12 in the preceding election. A petition shall have been signed by
13 the petitioning electors not more than 150 days after an
14 affidavit has been filed with the local election official
15 providing notice of intent to circulate a petition to recall
16 the mayor or village president. The affidavit may be filed no
17 sooner than 6 months after the beginning of the official's term
18 of office. The affidavit shall have been signed by the
19 proponent of the recall petition.

20 (b) The form of the petition, circulation, and procedure
21 for determining the validity and sufficiency of a petition
22 shall be as provided by law. If the petition is valid and
23 sufficient, the local election official shall certify the

1 petition not more than 100 days after the date the petition was
2 filed, and the question "Shall (name) be recalled from the
3 office of (office)?" must be submitted to the electors at a
4 special recall election called by the local election official,
5 to occur not more than 100 days after certification of the
6 petition. A recall petition certified by the local election
7 official may not be withdrawn and another recall petition may
8 not be initiated against the mayor or village president during
9 the remainder of the current term of office. Any recall
10 petition or recall election pending on the date of the next
11 election at which a candidate for the office is elected is
12 void.

13 (c) If a petition to recall the mayor or village president
14 has been filed with the local election official, a person
15 eligible to serve as mayor or village president may propose his
16 or her candidacy for the special successor primary election by
17 a petition signed by the requisite number of legal voters of
18 the local government, signed not more than 50 days after a
19 recall petition has been filed with the local election
20 official. All such petitions, and procedure with respect
21 thereto, shall conform in other respects to the provisions of
22 the election and ballot laws then in force concerning the
23 nomination of independent candidates for public office by
24 petition. If the successor election petition is valid and
25 sufficient, the local election official shall certify the
26 petition not more than 100 days after the date the petition to

1 recall the mayor or village president was filed.

2 If the mayor or village president is removed by the special
3 recall election, the names of candidates for mayor or village
4 president must be submitted to the electors at a special
5 successor primary election called by the local election
6 official to be held 60 days after the special recall election.
7 If no candidate receives a majority of the votes in the special
8 successor primary election, a special runoff election shall be
9 held no later than 60 days after the special successor primary
10 election, and only the names of the candidates receiving the
11 highest and second highest number of votes at the special
12 successor primary election shall appear on the ballot. If more
13 than one candidate received the highest or second highest
14 number of votes at the special successor primary election, the
15 names of all candidates receiving the highest and second
16 highest number of votes shall appear on the ballot at the
17 special runoff election. The candidate receiving the highest
18 number of votes at the special runoff election shall be
19 declared elected.

20 (d) The mayor or village president is immediately removed
21 upon certification of the special recall election results if a
22 majority of the electors voting on the question vote to recall
23 the mayor or village president. If the official is removed,
24 then (i) the Vice Mayor or other individual selected by the
25 city council or village board shall serve until the mayor or
26 village president elected at the special successor primary

1 election or special runoff election is qualified and (ii) the
2 candidate who receives a majority of votes in the special
3 primary election or the candidate who receives the highest
4 number of votes in the special runoff election is elected mayor
5 or village president for the balance of the term.

6 Section 10. The Revised Cities and Villages Act of 1941 is
7 amended by adding Section 21-24.5 as follows:

8 (65 ILCS 20/21-24.5 new)

9 Sec. 21-24.5. Recall election-Mayor of Chicago.

10 (a) The recall of the Mayor of Chicago may be proposed by a
11 petition signed by a number of electors equal in number to at
12 least 15% of the total votes cast for Mayor in the preceding
13 election, with at least 50 signatures from each ward. A
14 petition shall have been signed by the petitioning electors not
15 more than 150 days after an affidavit has been filed with the
16 board of election commissioners providing notice of intent to
17 circulate a petition to recall the Mayor. The affidavit may be
18 filed no sooner than 6 months after the beginning of the
19 Mayor's term of office. The affidavit shall have been signed by
20 the proponent of the recall petition and at least 2 aldermen.

21 (b) The form of the petition, circulation, and procedure
22 for determining the validity and sufficiency of a petition
23 shall be as provided by law. If the petition is valid and
24 sufficient, the board of election commissioners shall certify

1 the petition not more than 100 days after the date the petition
2 was filed, and the question "Shall (name) be recalled from the
3 office of Mayor?" must be submitted to the electors at a
4 special recall election called by the board of election
5 commissioners, to occur not more than 100 days after
6 certification of the petition. A recall petition certified by
7 the board of election commissioners may not be withdrawn and
8 another recall petition may not be initiated against the Mayor
9 during the remainder of the current term of office. Any recall
10 petition or recall election pending on the date of the next
11 election at which a candidate for Mayor is elected is void.

12 (c) If a petition to recall the Mayor has been filed with
13 the board of election commissioners, a person eligible to serve
14 as Mayor may propose his or her candidacy for the special
15 successor primary election by a petition signed by at least
16 12,500 legal voters of the city, signed not more than 50 days
17 after a recall petition has been filed with the board of
18 election commissioners. All such petitions, and procedure with
19 respect thereto, shall conform in other respects to the
20 provisions of the election and ballot laws then in force in the
21 city of Chicago concerning the nomination of independent
22 candidates for public office by petition. If the successor
23 election petition is valid and sufficient, the board of
24 election commissioners shall certify the petition not more than
25 100 days after the date the petition to recall the Mayor was
26 filed.

1 If the Mayor is removed by the special recall election, the
2 names of candidates for Mayor must be submitted to the electors
3 at a special successor primary election called by the board of
4 election commissioners to be held 60 days after the special
5 recall election. If no candidate receives a majority of the
6 votes in the special successor primary election, a special
7 runoff election shall be held no later than 60 days after the
8 special successor primary election, and only the names of the
9 candidates receiving the highest and second highest number of
10 votes at the special successor primary election shall appear on
11 the ballot. If more than one candidate received the highest or
12 second highest number of votes at the special successor primary
13 election, the names of all candidates receiving the highest and
14 second highest number of votes shall appear on the ballot at
15 the special runoff election. The candidate receiving the
16 highest number of votes at the special runoff election shall be
17 declared elected.

18 (d) The Mayor is immediately removed upon certification of
19 the special recall election results if a majority of the
20 electors voting on the question vote to recall the Mayor. If
21 the Mayor is removed, then (i) the Vice Mayor shall serve until
22 the Mayor elected at the special successor primary election or
23 special runoff election is qualified and (ii) the candidate who
24 receives a majority of votes in the special primary election or
25 the candidate who receives the highest number of votes in the
26 special runoff election is elected Mayor for the balance of the

1 term.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.