



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0044**

Introduced , by Rep. Mark Batinick - David McSweeney

**SYNOPSIS AS INTRODUCED:**

ILCON Art. III, Sec. 7  
ILCON Art. VII, Sec. 13 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for the recall of all State Executive Branch officers and members of the General Assembly. Changes the signature requirements for affidavits and petitions for recall of the Governor and expands them to include all State Executive Branch officers and members of the General Assembly. Proposes to amend the Local Government Article of the Illinois Constitution. Provides for the recall of all elected officials of any school district, community college, or unit of local government. Effective upon being declared adopted.

LRB099 16044 MGM 40364 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-NINTH 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 and to add Section 13 of Article  
 10 VII as follows:

11 ARTICLE III  
 12 SUFFRAGE AND ELECTIONS

13 (ILCON Art. III, Sec. 7)

14 SECTION 7. INITIATIVE TO RECALL EXECUTIVE OFFICERS AND MEMBERS  
 15 OF THE GENERAL ASSEMBLY ~~GOVERNOR~~

16 (a) The recall of any Executive Branch officer named in  
 17 Section 1 of Article V ~~the Governor~~ may be proposed by a  
 18 petition signed by a number of electors equal in number to at  
 19 least 15% of the total votes cast for Governor in the preceding  
 20 gubernatorial election, with at least 100 signatures from each  
 21 of at least 25 separate counties. In addition, the recall of  
 22 any member of the General Assembly may be proposed by a  
 23 petition signed by a number of electors equal in number to at

1 least 15% of the total votes cast for Governor in the member's  
2 Legislative District or Representative District, as  
3 applicable, in the most recent Gubernatorial election. A  
4 petition shall have been signed by the petitioning electors not  
5 more than 150 days after an affidavit has been filed with the  
6 State Board of Elections providing notice of intent to  
7 circulate a petition to recall the Executive Branch officer or  
8 member of the General Assembly ~~Governor~~. The affidavit may be  
9 filed no sooner than 6 months after the beginning of the  
10 officer's or member's ~~Governor's~~ term of office. ~~The affidavit~~  
11 ~~shall have been signed by the proponent of the recall petition,~~  
12 ~~at least 20 members of the House of Representatives, and at~~  
13 ~~least 10 members of the Senate, with no more than half of the~~  
14 ~~signatures of members of each chamber from the same established~~  
15 ~~political party.~~

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

1 not be initiated against the same officer or member ~~Governor~~  
2 during the remainder of his or her ~~the~~ current term of office.  
3 In the case of an Executive Branch officer, any ~~Any~~ recall  
4 petition or recall election pending on the date of the next  
5 general election at which a candidate for that office ~~a~~  
6 ~~candidate for Governor~~ is elected is void ~~not~~. In the case of  
7 a member of the General Assembly, any recall petition or recall  
8 election pending on the date of the next general election at  
9 which a member is elected from that member's Legislative or  
10 Representative District is void.

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

1 for nomination to serve as the candidate of an established  
2 political party must be submitted to the electors at a special  
3 primary election, if necessary, called by the State Board of  
4 Elections to be held at the same time as the special election  
5 on the question of recall established under subsection (b).  
6 Names of candidates for the successor election must be  
7 submitted to the electors at a special successor election  
8 called by the State Board of Elections, to occur not more than  
9 60 days after the date of the special primary election or on a  
10 date established by law.

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

1 a successor is elected at the special successor election and  
2 qualified.

3 (e) If the petition to recall receives a number of  
4 signatures less than 15% (of the total votes cast for Governor  
5 in the preceding gubernatorial election), either statewide,  
6 for a Governor recall, or within a Legislative District or  
7 Representative District, for a member of the General Assembly  
8 recall, but receives more than 10%, the recall election shall  
9 be held during the next statewide election, as provided by law.

10 (Source: Amendment adopted at general election November 2,  
11 2010.)

12 ARTICLE VII

13 LOCAL GOVERNMENT

14 (ILCON Art. VII, Sec. 13 new)

15 SECTION 13. INITIATIVE TO RECALL LOCAL GOVERNMENT OFFICIALS

16 (a) The recall of an individual holding a local elected  
17 office, including, but not limited to, mayors, village  
18 presidents, council members, school board members, community  
19 college officials, and county officials, may be proposed by a  
20 petition signed by a number of electors equal in number to at  
21 least 15% of the total votes cast for Governor in that election  
22 unit in the preceding gubernatorial election, provided that the  
23 total votes cast from that unit in the previous Gubernatorial  
24 election totals above 500. A petition shall have been signed by

1 the petitioning electors not more than 150 days after an  
2 affidavit has been filed with the local election official  
3 providing notice of intent to circulate a petition to recall  
4 the official. The affidavit may be filed no sooner than 6  
5 months after the beginning of the official's term of office.  
6 The affidavit shall have been signed by the proponent of the  
7 recall petition.

8 (b) The form of the petition, circulation, and procedure  
9 for determining the validity and sufficiency of a petition  
10 shall be as provided by law. If the petition is valid and  
11 sufficient, the local election official shall certify the  
12 petition not more than 100 days after the date the petition was  
13 filed, and the following question must be submitted to the  
14 electors at a special recall election called by the local  
15 election official, to occur not more than 100 days after  
16 certification of the petition:

17 "Should (elected official) be recalled from (his or her)  
18 position(s) as (title of position)? (YES/NO)

19 If (elected official) is recalled, who do you support to  
20 replace (him or her)?

21 (Elected official).

22 (Candidate).

23 (Candidate)."

24 (c) Replacement candidates wishing to be listed on the  
25 recall ballot shall be certified under the same procedures as  
26 if they were running for the applicable office in a standard

1 election, except for the petition circulation and filing of  
2 petitions shall only be between the time the intent to recall  
3 is filed and 90 days before the election. Candidates running to  
4 replace the recalled officeholder shall state clearly on their  
5 petitions which officeholder they are seeking to replace.

6 (d) There shall be no primary or runoff election after a  
7 recall election. The top vote-getter or vote-getters in the  
8 recall election shall replace the elected official or officials  
9 that were recalled.

10 (e) The procedure to be certified to run in the recall  
11 election shall be the same as being nominated and certified in  
12 the standard election for the office to be filled. Challenges  
13 to recall petitions shall follow the same procedures as  
14 challenges to petitions under the Election Code.

15 (f) If multiple officeholders from the same public office  
16 or district are being recalled, each recall question must be  
17 asked separately. All candidates running as replacements for  
18 that office and the current officeholder shall be on the ballot  
19 beneath the recall question.

20 (g) A recall petition certified by the local election  
21 official may not be withdrawn and another recall petition may  
22 not be initiated against the mayor or village president during  
23 the remainder of the current term of office. Any recall  
24 petition or recall election pending on the date of the next  
25 election at which a candidate for the office is elected is  
26 void.



