



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1943

Introduced 2/23/2007, by Rep. Paul D. Froehlich - Mike Boland

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1	from Ch. 46, par. 2A-1
10 ILCS 5/Art. 25.5 heading new	
10 ILCS 5/25.5-5 new	
10 ILCS 5/25.5-10 new	
10 ILCS 5/25.5-15 new	
10 ILCS 5/25.5-20 new	
10 ILCS 5/25.5-25 new	
10 ILCS 5/25.5-30 new	
10 ILCS 5/25.5-35 new	
10 ILCS 5/25.5-40 new	

Amends the Election Code to provide for the recall of local elected officials. Effective immediately.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Election Code is amended by changing Section  
5 2A-1 and adding Article 25.5 as follows:

6 (10 ILCS 5/2A-1) (from Ch. 46, par. 2A-1)

7 (Text of Section WITHOUT the changes made by P.A. 89-719,  
8 which has been held unconstitutional)

9 Sec. 2A-1. All Elections - Governed by this Code -  
10 Construction of Article 2A.

11 (a) No public question may be submitted to any voters in  
12 this State, nor may any person be nominated for public office  
13 or elected to public or political party office or removed from  
14 office in a recall election in this State except pursuant to  
15 this Code, notwithstanding the provisions of any other statute  
16 or municipal charter. However, this Code shall not apply to  
17 elections for officers or public questions of local school  
18 councils established pursuant to Chapter 34 of the School Code,  
19 soil and water conservation districts or drainage districts,  
20 except as specifically made applicable by another statute.

21 (b) All elections in this State shall be held in accordance  
22 with the consolidated schedule of elections established in  
23 Sections 2A-1.1 and 2A-1.2. No election may be held on any date

1 other than a date on which an election is scheduled under  
2 Section 2A-1.1, except special elections to fill congressional  
3 vacancies held pursuant to writs of election issued by the  
4 Governor, township referenda and votes of the town electors  
5 held at the annual town meeting, emergency referenda approved  
6 pursuant to Section 2A-1.4, special elections held between  
7 January 1, 1995 and July 1, 1995 under Section 34-53 of the  
8 School Code, and city, village or incorporated town primary  
9 elections in even-numbered years expressly authorized in this  
10 Article to provide for annual partisan elections.

11 (c) At the respective elections established in Section  
12 2A-1.1, candidates shall be elected to office, nominated for  
13 election thereto or placed on the ballot as otherwise required  
14 by this Code, and public questions may be submitted, as  
15 specified in Section 2A-1.2.

16 (d) If the requirements of Section 2A-1.2 conflict with any  
17 specific provision of Sections 2A-2 through 2A-54, as applied  
18 to any office or election, the requirements of Section 2A-1.2  
19 prevail, and shall be enforced by the State Board of Elections.

20 (e) In the event any court of competent jurisdiction  
21 declares an election void, the court may order another election  
22 without regard to the schedule of elections set forth in this  
23 Article.

24 (Source: P.A. 88-511.)

25 (10 ILCS 5/Art. 25.5 heading new)

1           ARTICLE 25.5. RECALL OF LOCAL ELECTED OFFICIALS

2           (10 ILCS 5/25.5-5 new)

3           Sec. 25.5-5. Definitions. For the purposes of this  
4 Article:

5           "Appropriate election official" means the State Board of  
6 Elections in the case of recall of an official elected from a  
7 district that comprises more than one county, or is partly in  
8 one county and partly in another county or counties; the county  
9 clerk in the case of recall of an official elected to a county  
10 office or trustee of a sanitary district; or the local election  
11 official in the case of recall of an official elected to a  
12 municipal or township office, other than a municipal or  
13 township office where the municipality's or township's  
14 boundaries are co-extensive with or are entirely within the  
15 jurisdiction of a municipal board of election commissioners, in  
16 which case the "appropriate election official" means the  
17 municipal board of election commissioners.

18           "Local elected official" means any official elected to an  
19 office of a unit of local government or school district.

20           (10 ILCS 5/25.5-10 new)

21           Sec. 25.5-10. Removal of local elected official. Every  
22 incumbent local elected official who has been elected to an  
23 office that has a term of more than 2 years is subject to  
24 removal by the electors qualified to vote for that official.

1 The procedure to effect the removal of an incumbent of that  
2 office shall be as prescribed in this Article.

3 (10 ILCS 5/25.5-15 new)

4 Sec. 25.5-15. Petition; form. A petition, signed by at  
5 least 20% of the registered voters of the unit of local  
6 government or school district who are entitled to vote for the  
7 local elected official whose removal is sought, shall be filed  
8 with the appropriate election official at least 61 days before  
9 the next regularly scheduled election under this Code and shall  
10 be certified within one day after receipt of the petition. The  
11 petition shall demand an election on the question of whether  
12 the named incumbent elected official shall be removed from  
13 office, the election to be held at the next regularly scheduled  
14 election, and shall contain a general statement of not more  
15 than 200 words of a reason or reasons for the recall that are  
16 related to the official responsibilities of the official whose  
17 removal is sought.

18 The petition shall be substantially in the following form:

19 To the appropriate election official of (unit or district):

20 We, the undersigned electors of (unit or district),  
21 entitled to vote for (name of person) demand an election on the  
22 question of removal from office of (name of person) for the  
23 following reasons: (Here state reasons in not more than 200  
24 words).

1	<u>Name</u>	<u>House Number</u>	<u>Street</u>	<u>Date of</u>
2		<u>if any</u>		<u>Signing</u>

3				
4	<u>.....</u>	<u>.....</u>	<u>.....</u>	<u>.....</u>

5 State of Illinois, )  
6 ) SS.  
7 County of (name) )

8 I, (name of person), certify that I am a registered voter,  
9 that I reside at (address), in the county of (name) and State  
10 of Illinois, and that the signatures on this sheet were signed  
11 in my presence, and are genuine, and that to the best of my  
12 knowledge and belief, the persons so signing were at the time  
13 of signing the petitions qualified voters, entitled to vote for  
14 the office of (name of office), and that their respective  
15 residences are correctly stated, as above set forth.

16 .....  
17 Subscribed and sworn to before me this ..... day of  
18 ....., 20 ...

19 .....  
20 (Official title)  
21 (Seal, if officer has one)

22 (10 ILCS 5/25.5-20 new)

23 Sec. 25.5-20. Petition; requirements. The petition shall  
24 consist of sheets having the form specified in Section 25.5-15  
25 and shall be signed by qualified electors of the unit of local

1 government or school district entitled to vote for the office  
2 held by the official whose removal is sought, and opposite the  
3 signature of each signer, his or her residence address shall be  
4 written or printed. The residence address required to be  
5 written or printed opposite each qualified elector's name shall  
6 include the street address or rural route number of the signer,  
7 as the case may be, as well as the signer's city, village, or  
8 town. The county or city, village, or town, and state of  
9 residence of the electors, however, may be printed on the  
10 petition forms when all of the electors signing the petition  
11 reside in the same county or city, village, or town, and state.  
12 Standard abbreviations may be used in writing the residence  
13 address, including street number, if any.

14 A signature shall not be valid unless the requirements of  
15 this Section are complied with and unless the date of signing  
16 is less than 120 days preceding the date of filing the  
17 petition.

18 At the bottom of each sheet shall be added the affidavit in  
19 the form specified in Section 25.5-15 signed by a qualified  
20 voter of the unit of local government or school district  
21 entitled to vote for removal of the elected official in which  
22 the signers of the sheet reside; certifying that the signatures  
23 on that sheet of the petition were signed in his or her  
24 presence; and either (1) indicating the dates on which that  
25 sheet was circulated, (2) indicating the first and last dates  
26 on which that sheet was circulated, or (3) certifying that none

1 of the signatures on the sheet were signed more than 120 days  
2 preceding the last day for the filing of the petition;  
3 certifying that the signatures on the sheet are genuine; and  
4 certifying that to the best of his or her knowledge and belief  
5 the persons so signing were at the time of signing the  
6 petitions qualified voters of the unit of local government or  
7 school district entitled to vote for the office held by the  
8 official whose removal is being sought. This affidavit shall be  
9 sworn to before an officer who is qualified to administer  
10 oaths.

11 The petition, so verified, or a copy of the petition duly  
12 certified by the proper persons, shall be prima facie evidence  
13 that the signatures, statement of residence, and dates upon the  
14 petition are genuine and true and that the persons signing the  
15 petition are electors qualified to vote for the office subject  
16 to removal under this Article.

17 The person circulating the petition, or the candidate on  
18 whose behalf the petition is circulated, may strike any  
19 signature from the petition, if:

20 (i) the person striking the signature initials the  
21 petition at the place where the signature is struck; and

22 (ii) the person striking the signature signs a  
23 certification listing the page number and line number of  
24 each signature struck from the petition.

25 The certification shall be filed as a part of the petition.

26 The sheets, before being filed, shall be neatly fastened

1 together in book form by placing the sheets in a pile and  
2 fastening them together at one edge in a secure and suitable  
3 manner, and the sheets shall then be numbered consecutively.  
4 The sheets shall not be fastened by pasting them together end  
5 to end, so as to form a continuous strip or roll. All petition  
6 sheets that are filed with the proper local election officials,  
7 election authorities, or the State Board of Elections shall be  
8 the original sheets that have been signed by the voters and by  
9 the circulator of the sheet, and not photocopies or duplicates  
10 of those sheets.

11 The petitions, when filed, may not be withdrawn or added  
12 to, and no signature shall be revoked except by revocation  
13 filed in writing with the State Board of Elections, election  
14 authority, or local election official with whom the petition is  
15 required to be filed before the filing of the petition. Whoever  
16 forges the name of a signer upon any petition required by this  
17 Article is deemed guilty of a forgery and on conviction shall  
18 be punished accordingly.

19 (10 ILCS 5/25.5-25 new)

20 Sec. 25.5-25. Objections to petitions. The provisions of  
21 Sections 10-8 through 10-10.1 of the Election Code relating to  
22 objections to nominating petitions, hearing on objections, and  
23 judicial review, shall apply to and govern, insofar as may be  
24 practical, objections to petitions for the submission of  
25 questions of recall under this Article.

1       The electoral board to hear and pass on objections shall be  
2 the electoral board specified in Section 10-9 to have  
3 jurisdiction over objections to the nominating petitions of  
4 candidates for offices in which the question of recall is  
5 proposed to be submitted to the electors.

6           (10 ILCS 5/25.5-30 new)

7       Sec. 25.5-30. Election on the question. If no objections  
8 to a petition are filed within 5 business days after the  
9 petition is submitted to the appropriate election official, or  
10 if objections are filed and the electoral board specified in  
11 Section 25.5-25 rules the petition sufficient, then  
12 immediately after the expiration of this 5 day period, or  
13 immediately after the receipt by the appropriate election  
14 official with whom the petition was originally filed, or from  
15 the electoral board of the petition and the certified copy of  
16 the electoral board's ruling declaring the petition  
17 sufficient, as the case may be, the appropriate election  
18 official with whom the petition was originally filed shall  
19 submit the petition without delay to the election authority or  
20 election authorities within the election jurisdiction or  
21 election jurisdictions where the elected official is subject to  
22 recall, and the election authority or election authorities  
23 shall order the election demanded in the petition held at the  
24 next regular election or municipal election 78 days after the  
25 filing of the petition. This election shall be conducted,

1 returned, and the results declared in all respects the same as  
2 in other elections under the general election law.

3 If at the election on the question of removal at least a  
4 majority of those voting on the question vote in favor of  
5 removal, a vacancy exists in the office subject to removal. The  
6 vacancy shall be filled in the manner prescribed for filling  
7 vacancies in that office in other cases.

8 (10 ILCS 5/25.5-35 new)

9 Sec. 25.5-35. Violations. Any officer or employee who  
10 violates or who wilfully or through culpable negligence fails  
11 to comply with any of the provisions of this Article is guilty  
12 of a Class B misdemeanor and may be removed from his or her  
13 office or employment.

14 (10 ILCS 5/25.5-40 new)

15 Sec. 25.5-40. Prohibition against future election or  
16 appointment. A person who has been removed from an elective  
17 office, or who has resigned from office while removal  
18 proceedings were pending against that person, shall not be  
19 appointed or elected to any office within one year after the  
20 removal or resignation. Not more than one election for the  
21 recall of the same elected official shall be held during the  
22 same term of office.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.