



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0037**

Introduced 2/15/2008, by Rep. Paul D. Froehlich

**SYNOPSIS AS INTRODUCED:**

ILCON Art. IV, Sec. 16 new

Proposes to amend The Legislature Article of the Illinois Constitution to authorize recall elections and to provide for the appointment of a Public Advocate. Effective upon being adopted.

LRB095 17820 JAM 43899 e

1 HOUSE JOINT RESOLUTION  
 2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
 4 NINETY-FIFTH 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 16 to Article IV  
 9 of the Illinois Constitution as follows:

10 ARTICLE IV  
 11 THE LEGISLATURE

12 (ILCON Art. IV, Sec. 16 new)

13 SECTION 16. Recall.

14 (a) In order to strengthen ethical standards in State  
 15 government and provide an alternative to removal by expulsion  
 16 under subsection (d) of Section 6 of this Article and  
 17 impeachment under Section 14 of this Article, the recall power  
 18 is vested in the General Assembly, the Public Advocate, and the  
 19 electors as provided in this Section. Recall of an executive  
 20 branch officer or a member of the General Assembly is initiated  
 21 by delivering to the Public Advocate an initial petition of no  
 22 more than 200 words alleging reason for recall. Sufficiency of  
 23 reason is not reviewable. In the case of an executive branch

1 officer, an initial petition for recall must be signed by at  
2 least 22 members of the General Assembly and 1,000 electors. In  
3 the case of a General Assembly member, an initial petition must  
4 be signed by at least 1,000 electors of the district that  
5 elected the General Assembly member. After an initial petition  
6 is filed, proponents have 90 days to file signed recall  
7 petitions with the State Board of Elections. A recall petition  
8 must contain the alleged reason for recall and be signed by  
9 electors of the district that elected the executive branch  
10 officer or General Assembly member equal to at least 12% of the  
11 last vote for the office. Recall petition sheets may include  
12 signatures of electors from more than one election jurisdiction  
13 and shall be filed on a continuous basis with the State Board  
14 of Elections. The State Board of Elections shall certify to the  
15 Public Advocate when sufficient signatures have been filed on a  
16 recall petition. An election to determine whether to recall an  
17 executive branch officer or member of the General Assembly  
18 shall be called by the Public Advocate and held not less than  
19 35 days nor more than 42 days after the date of certification  
20 of sufficient signatures. If the majority vote on the question  
21 is to recall, the executive branch officer or General Assembly  
22 member is removed and the vacancy shall be filled according to  
23 the provisions of this Constitution if less than one-half of  
24 the term remains. The General Assembly shall provide by law for  
25 the election of a successor if more than one-half of the term  
26 remains. After one recall election, no further recall petition

1 shall be filed against the same executive branch officer or  
2 General Assembly member during the term for which he or she was  
3 elected.

4 (b) On the first day of the January session in odd-numbered  
5 years, before the election of the Speaker of the House and  
6 President of the Senate, the General Assembly, by vote of  
7 three-fifths of the members elected to each house, shall  
8 appoint a Public Advocate from the electors of the State and  
9 may remove him or her for cause by a similar vote. In the case  
10 of a vacancy, the General Assembly shall appoint a successor by  
11 a similar vote within 14 days to serve for the remainder of the  
12 term. The Public Advocate shall serve for a term of 2 years.  
13 The Public Advocate shall promote ethical standards in State  
14 government and provide information about the recall process to  
15 any elector. On February 12 of every year, the Public Advocate  
16 shall make recommendations to the General Assembly and the  
17 Governor on how to strengthen ethical standards in State  
18 government and improve the recall process. The compensation of  
19 the Public Advocate shall be established by law and shall not  
20 be diminished during his or her term.

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.