



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**HOUSE JOINT RESOLUTION**

**CONSTITUTIONAL AMENDMENT**

**HC0001**

Introduced 12/2/2008, by Rep. Jack D. Franks

**SYNOPSIS AS INTRODUCED:**

ILCON Art. III, Sec. 7 new

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. Provides for successor elections to fill the vacant term of a recalled officer or member. Provides for petitions to be filed with the State Board of Elections and sets requirements for petitions. Provides for the State Board of Elections to proclaim the election and set the date. Provides for objections to petitions. Provides that the recall provisions are self-executing and judicially enforceable. Effective upon being declared adopted.

LRB096 02850 RCE 12864 e

1 HOUSE JOINT RESOLUTION  
2 CONSTITUTIONAL AMENDMENT

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

10 ARTICLE III  
11 SUFFRAGE AND ELECTIONS

12 (ILCON Art. III, Sec. 7 new)

13 SECTION 7. RECALL OF EXECUTIVE OFFICERS AND MEMBERS OF THE  
14 GENERAL ASSEMBLY

15 (a) Electors may petition for the recall of an executive  
16 branch officer as identified in Section 1 of Article V or a  
17 member of the General Assembly. If the recall petition is  
18 valid, on a separate ballot the question "Shall (officer) be  
19 recalled from the office of (office)" must be submitted to the  
20 electors, along with the names of any candidates certified for  
21 the successor election, at a special election called by the  
22 State Board of Elections or at a regularly scheduled election  
23 to occur not more than 100 days after the date of certification

1 of the recall petition. The officer or member subject to recall  
2 may be a candidate in the successor election.

3 (b) An executive branch officer or member of the General  
4 Assembly is immediately removed upon certification of the  
5 recall election results if a majority of the electors voting on  
6 the question vote to recall the officer or member. If an  
7 officer or member is recalled, the candidate who receives the  
8 highest number of votes in the successor election is elected  
9 successor for the balance of the term. Once a recall election  
10 petition is certified, the petition may not be withdrawn and  
11 another recall petition may not be initiated against that  
12 officer or member during the remainder of his or her current  
13 term of office.

14 (c) Any elector of the State, or the applicable Legislative  
15 or Representative District, may file an affidavit with the  
16 State Board of Elections providing notice of intent to  
17 circulate a petition to recall an officer or member no sooner  
18 than 6 months after the beginning of the officer's or member's  
19 current term of office. The affidavit must identify the name of  
20 the officer or member and the office to be recalled, the name  
21 and address of the proponents of the recall petition, and the  
22 date of filing with the State Board of Elections. A recall  
23 petition shall not be circulated prior to filing the affidavit,  
24 and a recall petition must be filed with the State Board of  
25 Elections no later than 160 days after filing the affidavit.

26 (d) A petition to recall an executive branch officer must

1 include signatures of electors of the State equal to at least  
2 12% of the total votes cast for the office in the election at  
3 which the officer was elected, with signatures equal to at  
4 least 1% of the vote for the office from at least 5 separate  
5 counties. A petition to recall a member of the General Assembly  
6 must be signed by electors of the respective Legislative  
7 District or Representative District equal to at least 20% of  
8 the total votes cast for the office in the election at which  
9 the member was elected. The form, circulation, and manner of  
10 filing a recall petition shall comply with the requirements  
11 provided by law for a statewide advisory public question,  
12 except the deadlines set forth in this Section.

13 (e) A recall petition is valid unless an objection is made  
14 within 45 days after the date the petition is filed, and an  
15 objection to the recall petition may be made in the same manner  
16 as to a candidate for the office subject to recall. The State  
17 Board of Elections shall certify the recall petition not more  
18 than 105 days after the date the recall petition is filed. Any  
19 recall petition or election pending on the date of the next  
20 general election at which a candidate for the office subject to  
21 recall is elected is moot.

22 (f) If a recall election is initiated, the name of no  
23 successor candidate may appear on the ballot unless a  
24 nominating petition has been filed with the State Board of  
25 Elections no more than 40 days after filing of the recall  
26 petition. The nominating petition of an established party

1 candidate must contain the same number of signatures and be  
2 circulated in the same manner as an established party candidate  
3 for nomination to the office subject to recall, except the  
4 petition must be circulated no more than 40 days prior to the  
5 last day for filing nomination petitions. The nominating  
6 petition of an independent or new party candidate must contain  
7 the same number of signatures and be circulated in the same  
8 manner as an independent or new party candidate, respectively,  
9 for election to the office subject to recall, except the  
10 petition must be circulated no more than 40 days prior to the  
11 last day for filing nomination petitions. A nominating petition  
12 may be objected to in the same manner as a candidate for the  
13 office subject to recall, unless otherwise provided by law. The  
14 State Board of Elections shall certify a valid nominating  
15 petition not more than 105 days after the date the recall  
16 petition is filed.

17 (g) An election to determine whether to recall an executive  
18 officer or member of the General Assembly and to elect a  
19 successor shall be proclaimed by the State Board of Elections  
20 and held not less than 60 days and no more than 100 days after  
21 the date of certification of the recall petition.

22 (h) The provisions of this Section are self-executing and  
23 judicially enforceable.

24 SCHEDULE

25 The State Board of Elections shall proceed, as soon as all

1 the returns are received but no later than 31 days after the  
2 election, to canvass the votes given for and against this  
3 Constitutional Amendment, as shown by the abstracts of votes  
4 cast. If this Constitutional Amendment is approved by either  
5 three-fifths of those voting on the question or a majority of  
6 those voting in the election, then the State Board of Elections  
7 shall declare the adoption of this Constitutional Amendment and  
8 it shall, upon declaration of its adoption, take effect and  
9 become a part of the Constitution of this State. This Schedule  
10 supersedes and applies notwithstanding any statute to the  
11 contrary, and no other requirements, including without  
12 limitation proclamation of the results of the vote or notice by  
13 publication, are necessary for its effectiveness.