



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0017

Introduced 2/11/2009, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 7

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for recall of executive branch constitutional officers and election of successor candidates. Specifies that the provisions are self-executing and judicially enforceable. Effective upon being declared adopted.

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1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
5 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 Article III of the
9 Illinois Constitution by adding Section 7 as follows:

10 ARTICLE III
11 SUFFRAGE AND ELECTIONS

12 (ILCON Art. III, Sec. 7)

13 SECTION 7. RECALL OF EXECUTIVE OFFICERS

14 (a) The electors of the State may petition for the recall
15 of an executive branch officer as identified in Section 1 of
16 Article V. Upon certification of the recall petition as valid,
17 the question "Shall (officer) be recalled from the office of
18 (office)?" must be submitted to the electors, along with the
19 names of any candidates certified for the successor election,
20 on a separate ballot containing only the recall question and
21 candidates for the successor election, at a special election
22 called by the State Board of Elections or at a regularly
23 scheduled election, the election in either case to occur not

1 more than 90 days after the date of certification of the recall
2 petition. The officer subject to recall may not be a candidate
3 in the successor election.

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10 petition is certified, the petition may not be withdrawn.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

14 (c) Any elector of the State may file an affidavit with the
15 State Board of Elections providing notice of intent to
16 circulate a petition to recall an officer no sooner than 6
17 months after the beginning of the officer's current term of
18 office. The affidavit must identify the name of the officer,
19 the office to be recalled, the name and address of the
20 proponents of the recall petition, and the date of filing of
21 the affidavit with the State Board of Elections. A recall
22 petition shall not be circulated prior to filing of the
23 affidavit. A recall petition must be filed with the State Board
24 of Elections within 150 days after the filing of the affidavit.

25 (d) A petition to recall an executive branch officer must
26 include signatures of electors of the State equal to at least

1 15% of the total votes cast for the office in the election at
2 which the officer was elected, with 100 signatures from each of
3 at least 25 separate counties.

4 The same standards and requirements governing statewide
5 advisory public questions shall also govern the formatting,
6 circulation, and filing of a recall petition, except as may
7 otherwise be provided in this Section.

8 (e) The State Board of Elections shall certify the recall
9 petition not more than 30 days after the date the recall
10 petition is filed, provided that the petition meets all of the
11 requirements set forth in this Section. Any recall petition or
12 election pending on the date of the next general election at
13 which a candidate for the office subject to recall is elected
14 is moot.

15 (f) If a recall election is initiated, the name of a
16 successor candidate may not appear on the ballot unless a
17 nominating petition has been filed with the State Board of
18 Elections within 30 days after the certification of the recall
19 petition. The nominating petition of a candidate for the
20 successor election must contain the same number of signatures
21 and be circulated in the same manner as required for the
22 nominating petition of an independent or new party candidate
23 for nomination to the office subject to recall. Nominating
24 petitions may be filed no sooner than the day after the filing
25 of the affidavit required in subsection (c). The State Board of
26 Elections shall certify a valid nominating petition not more

1 than 30 days after the date the recall petition is certified,
2 provided the petition conforms to the requirements set forth in
3 this Section.

4 (g) An election to determine whether to recall an executive
5 officer and to elect a successor shall be proclaimed by the
6 State Board of Elections and held not less than 90 days and no
7 more than 120 days after the date of certification of the
8 recall petition.

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

11 SCHEDULE

12 The State Board of Elections shall proceed, as soon as all
13 the returns are received but no later than 31 days after the
14 election, to canvass the votes given for and against this
15 Constitutional Amendment, as shown by the abstracts of votes
16 cast. If this Constitutional Amendment is approved by either
17 three-fifths of those voting on the question or a majority of
18 those voting in the election, then the State Board of Elections
19 shall declare the adoption of this Constitutional Amendment and
20 it shall, upon declaration of its adoption, take effect and
21 become a part of the Constitution of this State. This Schedule
22 supersedes and applies notwithstanding any statute to the
23 contrary, and no other requirements, including without
24 limitation proclamation of the results of the vote or notice by
25 publication, are necessary for its effectiveness.