



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SENATE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

SC0003

Introduced 1/28/2021, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

ILCON Art. III, Sec. 7
ILCON Art. III, Sec. 9 new
ILCON Art. III, Sec. 10 new
ILCON Art. III, Sec. 11 new

Proposes to amend the Suffrage and Elections Article of the Illinois Constitution. Provides for the recall of all State Executive Branch officers, legislative leaders, the Auditor General, members of the General Assembly, and local government officials. Makes changes to the procedures for the recall of the Governor. Effective upon being declared adopted.

LRB102 10187 SMS 15510 e

1 SENATE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

3 RESOLVED, BY THE SENATE OF THE ONE HUNDRED SECOND GENERAL
4 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
5 REPRESENTATIVES CONCURRING HEREIN, that there shall be
6 submitted to the electors of the State for adoption or
7 rejection at the general election next occurring at least 6
8 months after the adoption of this resolution a proposition to
9 amend Section 7 of Article III of the Illinois Constitution
10 and to add Sections 9, 10, and 11 of Article III as follows:

11 ARTICLE III
12 SUFFRAGE AND ELECTIONS

13 (ILCON Art. III, Sec. 7)

14 SECTION 7. INITIATIVE TO RECALL EXECUTIVE OFFICERS ~~GOVERNOR~~

15 (a) To initiate the recall of any Executive Branch officer
16 named in Section 1 of Article V, a petitioning elector shall
17 file an affidavit with the State Board of Elections providing
18 notice to circulate a petition to recall an Executive Branch
19 officer. The affidavit shall include: (1) a general statement
20 of not more than 200 words enumerating the individual whose
21 recall is sought and providing the grounds for which recall is
22 sought; (2) a petition signed by a number of electors equal in
23 number to at least 0.1% of the total votes cast for Governor in

1 the preceding gubernatorial election; and (3) the signature of
2 the petitioning elector. Upon acceptance of the petitioning
3 elector's affidavit by the State Board of Elections, the ~~The~~
4 recall of any Executive Branch officer ~~the Governor~~ may be
5 proposed by a petition signed by a number of electors equal in
6 number to at least 12% ~~15%~~ of the total votes cast for Governor
7 in the preceding gubernatorial election, ~~with at least 100~~
8 ~~signatures from each of at least 25 separate counties.~~ A
9 petition shall have been signed by the petitioning electors
10 not more than 90 ~~150~~ days after an affidavit has been filed
11 with the State Board of Elections providing notice of intent
12 to circulate a petition to recall an Executive Branch officer
13 ~~the Governor~~. The affidavit may be filed no sooner than 6
14 months after the beginning of the Executive Branch officer's
15 ~~Governor's~~ term of office. If the State Board of Elections
16 determines the petition is valid, the Executive Branch officer
17 whose recall is sought may file a response of not more than 200
18 words with the State Board of Elections. The petitioning
19 elector's general statement and the Executive Branch officer's
20 response shall appear on the recall ballot. ~~The affidavit~~
21 ~~shall have been signed by the proponent of the recall~~
22 ~~petition, at least 20 members of the House of Representatives,~~
23 ~~and at least 10 members of the Senate, with no more than half~~
24 ~~of the signatures of members of each chamber from the same~~
25 ~~established political party.~~

26 (b) The form of the affidavit, petition, circulation, and

1 procedure for determining the validity and sufficiency of a
2 petition shall be as provided by law. If the petition is valid
3 and sufficient, the State Board of Elections shall certify the
4 petition not more than 100 days after the date the petition was
5 filed, and the question "Shall (name) be recalled from the
6 office of (office) ~~Governor~~?" must be submitted to the
7 electors at a special election called by the State Board of
8 Elections, to occur not more than 90 ~~100~~ days after
9 certification of the petition. ~~A recall petition certified by~~
10 ~~the State Board of Elections may not be withdrawn and another~~
11 ~~recall petition may not be initiated against the Governor~~
12 ~~during the remainder of the current term of office.~~ Any recall
13 petition or recall election pending on the date of the next
14 general election at which a candidate for an Executive branch
15 office for which recall is sought ~~Governor~~ is elected is moot.

16 (c) (Blank). ~~If a petition to recall the Governor has been~~
17 ~~filed with the State Board of Elections, a person eligible to~~
18 ~~serve as Governor may propose his or her candidacy by a~~
19 ~~petition signed by a number of electors equal in number to the~~
20 ~~requirement for petitions for an established party candidate~~
21 ~~for the office of Governor, signed by petitioning electors not~~
22 ~~more than 50 days after a recall petition has been filed with~~
23 ~~the State Board of Elections. The form of a successor election~~
24 ~~petition, circulation, and procedure for determining the~~
25 ~~validity and sufficiency of a petition shall be as provided by~~
26 ~~law. If the successor election petition is valid and~~

1 ~~sufficient, the State Board of Elections shall certify the~~
2 ~~petition not more than 100 days after the date the petition to~~
3 ~~recall the Governor was filed. Names of candidates for~~
4 ~~nomination to serve as the candidate of an established~~
5 ~~political party must be submitted to the electors at a special~~
6 ~~primary election, if necessary, called by the State Board of~~
7 ~~Elections to be held at the same time as the special election~~
8 ~~on the question of recall established under subsection (b).~~
9 ~~Names of candidates for the successor election must be~~
10 ~~submitted to the electors at a special successor election~~
11 ~~called by the State Board of Elections, to occur not more than~~
12 ~~60 days after the date of the special primary election or on a~~
13 ~~date established by law.~~

14 (d) The Executive Branch officer Governor is immediately
15 removed upon certification of the recall election results if a
16 three-fifths majority of the electors voting on the question
17 vote to recall the Executive Branch officer Governor. If the
18 Executive Branch officer Governor is removed, the vacancy
19 shall be filled as provided in Article V ~~then (i) an Acting~~
20 ~~Governor determined under subsection (a) of Section 6 of~~
21 ~~Article V shall serve until the Governor elected at the~~
22 ~~special successor election is qualified and (ii) the candidate~~
23 ~~who receives the highest number of votes in the special~~
24 ~~successor election is elected Governor for the balance of the~~
25 ~~term.~~

26 (e) An Executive Branch officer recalled under this

1 Section 7 is ineligible to serve again in the office in which
2 he or she was recalled for 10 years following certification of
3 the recall election.

4 (Source: Amendment adopted at general election November 2,
5 2010.)

6 (ILCON Art. III, Sec. 9 new)

7 SECTION 9. INITIATIVE TO RECALL LEGISLATIVE LEADERS AND
8 AUDITOR GENERAL

9 (a) To initiate the recall of the Speaker of the House of
10 Representatives, the President of the Senate, or the Auditor
11 General, a petitioning elector shall file an affidavit with
12 the State Board of Elections providing notice to circulate a
13 petition to recall the Speaker of the House of
14 Representatives, the President of the Senate, or the Auditor
15 General. The affidavit shall include: (1) a general statement
16 of not more than 200 words enumerating the individual whose
17 recall is sought and providing the grounds for which recall is
18 sought; (2) a petition signed by a number of electors equal in
19 number to at least 0.1% of the total votes cast for Governor in
20 the preceding gubernatorial election; and (3) the signature of
21 the petitioning elector. Upon acceptance of the petitioning
22 elector's affidavit by the State Board of Elections, the
23 recall of the Speaker of the House of Representatives, the
24 President of the Senate, or the Auditor General may be
25 proposed by a petition signed by a number of electors equal in

1 number to at least 12% of the total votes cast for Governor in
2 the preceding gubernatorial election. A petition shall have
3 been signed by the petitioning electors not more than 90 days
4 after an affidavit has been filed with the State Board of
5 Elections providing notice of intent to circulate a petition
6 to recall the Speaker of the House of Representatives, the
7 President of the Senate, or the Auditor General. The affidavit
8 may be filed no sooner than 6 months after the beginning of the
9 Speaker's, the President's, or the Auditor General's term of
10 office. If the State Board of Elections determines the
11 petition is valid, the officer whose recall is sought may file
12 a response of not more than 200 words with the State Board of
13 Elections. The petitioning elector's general statement and the
14 officer's response shall appear on the recall ballot.

15 (b) The form of the affidavit, petition, circulation, and
16 procedure for determining the validity and sufficiency of a
17 petition shall be as provided by law. If the petition is valid
18 and sufficient, the State Board of Elections shall certify the
19 petition not more than 100 days after the date the petition was
20 filed, and the question "Shall (name) be recalled from the
21 office of (office)?" must be submitted to the electors at a
22 special election called by the State Board of Elections, to
23 occur not more than 90 days after certification of the
24 petition. Any recall petition or recall election pending on
25 the date of the next general election at which a candidate for
26 office for which recall is sought is elected is moot.

1 (c) The Speaker of the House of Representatives, the
2 President of the Senate, or the Auditor General is immediately
3 removed upon certification of the recall election results if a
4 three-fifths majority of the electors voting on the question
5 vote to recall the officer. If the Speaker of the House of
6 Representatives, the President of the Senate, or the Auditor
7 General is removed, the vacancy shall be filled as provided by
8 rule of the appropriate chamber or by law.

9 (d) A Speaker of the House of Representatives, a President
10 of the Senate, or an Auditor General recalled under this
11 Section 9 is ineligible to serve again in the office in which
12 he or she was recalled for 10 years following certification of
13 the recall election.

14 (e) The procedure and manner of recalling the Speaker of
15 the House of Representatives, the President of the Senate, or
16 the Auditor General shall be in addition to and not excluding
17 any other method of removing an elected official as provided
18 by law.

19 (IILCON Art. III, Sec. 10 new)

20 SECTION 10. INITIATIVE TO RECALL MEMBERS OF THE GENERAL
21 ASSEMBLY

22 (a) The recall of a member of the General Assembly may be
23 proposed by a petition signed by a number of electors equal in
24 number to at least 12% of the total votes cast for Governor in
25 the preceding gubernatorial election in the Legislative

1 District or Representative District in which the member of the
2 General Assembly represents. A petition shall have been signed
3 by the petitioning electors not more than 90 days after an
4 affidavit has been filed with the State Board of Elections
5 providing notice of intent to circulate a petition to recall
6 the member. The petition shall include the signature of the
7 petitioning elector and a general statement of not more than
8 200 words enumerating the individual whose recall is sought
9 and providing the grounds for which recall is sought. The
10 affidavit may be filed no sooner than 6 months after the
11 beginning of the member's term of office. If the State Board of
12 Elections determines the petition is valid, the member whose
13 recall is sought may file a response of not more than 200 words
14 with the State Board of Elections. The petitioning elector's
15 general statement and the member's response shall appear on
16 the recall ballot.

17 (b) The form of the affidavit, petition, circulation, and
18 procedure for determining the validity and sufficiency of a
19 petition shall be as provided by law. If the petition is valid
20 and sufficient, the State Board of Elections shall certify the
21 petition not more than 100 days after the date the petition was
22 filed, and the question "Shall (name) be recalled from the
23 office of (office)?" must be submitted to the electors at a
24 special election called by the State Board of Elections, to
25 occur not more than 90 days after certification of the
26 petition. Any recall petition or recall election pending on

1 the date of the next general election at which a member of the
2 General Assembly for which recall is sought is elected is
3 moot.

4 (c) The member of the General Assembly is immediately
5 removed upon certification of the recall election results if a
6 three-fifths majority of the electors voting on the question
7 vote to recall the member. If the member is removed, the
8 vacancy shall be filled as provided by Section 2 of Article IV.

9 (d) A member of the General Assembly recalled under this
10 Section 10 is ineligible to serve in public office (or
11 specified non-elected office) for 10 years following
12 certification of the recall election.

13 (e) The procedure and manner of recalling a member of the
14 General Assembly shall be in addition to and not excluding any
15 other method of removing an elected official as provided by
16 law.

17 (ILCON Art. III, Sec. 11 new)

18 SECTION 11. INITIATIVE TO RECALL LOCAL GOVERNMENT OFFICIALS

19 (a) The recall of a local government official may be
20 proposed by a petition signed by a number of electors equal to
21 a percentage of the total votes cast for Governor in the
22 preceding gubernatorial election as determined by the
23 population of the unit of local government in which the local
24 government official represents: for a jurisdiction of not more
25 than 1,000 qualified electors, 30%; for a jurisdiction of more

1 than 1,000 qualified electors but not more than 10,000
2 qualified electors, 25%; for a jurisdiction of more than
3 10,000 qualified electors but not more than 50,000 qualified
4 electors, 20%; for a jurisdiction of more than 50,000
5 qualified electors but not more than 100,000 qualified
6 electors, 15%; for a jurisdiction of more than 100,000
7 qualified voters, 10%. A petition shall have been signed by
8 the petitioning electors not more than 90 days after an
9 affidavit has been filed with the State Board of Elections
10 providing notice of intent to circulate a petition to recall
11 the local government official. The petition shall include the
12 signature of the petitioning elector and a general statement
13 of not more than 200 words enumerating the individual whose
14 recall is sought and providing the grounds for which recall is
15 sought. The affidavit may be filed no sooner than 6 months
16 after the beginning of the local government official's term of
17 office. If the State Board of Elections determines the
18 petition is valid, the local government official whose recall
19 is sought may file a response of not more than 200 words with
20 the State Board of Elections. The petitioning elector's
21 general statement and the local government official's response
22 shall appear on the recall ballot.

23 (b) A body of local government officials must be recalled
24 individually.

25 (c) The form of the affidavit, petition, circulation, and
26 procedure for determining the validity and sufficiency of a

1 petition shall be as provided by law. If the petition is valid
2 and sufficient, the State Board of Elections shall certify the
3 petition not more than 100 days after the date the petition was
4 filed, and the following question must be submitted to the
5 electors at a special election called by the State Board of
6 Elections, to occur not more than 90 days after certification
7 of the petition:

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

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

12 (Elected official).

13 (Candidate).

14 (Candidate)."

15 Any recall petition or recall election pending on the
16 date of the next general election at which a local government
17 official for which recall is sought is elected is moot.

18 (d) The local government official is immediately removed
19 upon certification of the recall election results if a
20 three-fifths majority of the electors voting on the question
21 vote to recall the local government official. If the local
22 government official is removed, the vacancy shall be filled as
23 provided by law.

24 (e) A local government official recalled under this
25 Section 11 is ineligible to serve in public office (or
26 specified non-elected office) for 10 years following

1 certification of the recall election.

2 (f) The procedure and manner of recalling a local
3 government official shall be in addition to and not excluding
4 any other method of removing an elected official as provided
5 by law.

6 SCHEDULE

7 This Constitutional Amendment takes effect upon being
8 declared adopted in accordance with Section 7 of the Illinois
9 Constitutional Amendment Act.