



HC0028HAM002

LRB095 12660 RCE 48828 a

1 AMENDMENT TO HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 28

3 AMENDMENT NO. ___. Amend House Joint Resolution
4 Constitutional Amendment 28, AS AMENDED, with reference to page
5 and line numbers of House Amendment No. 1, by replacing line 11
6 on page 1 through line 22 on page 3 with the following:

7 "this resolution a proposition to add Section 7 to Article III
8 of the Illinois Constitution as follows:

9 ARTICLE III
10 SUFFRAGE AND ELECTIONS

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

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

14 (a) Electors may petition for the recall of an executive
15 branch officer as identified in Section 1 of Article V or a

1 member of the General Assembly. If the recall petition is
2 valid, on a separate ballot the question "Shall (officer) be
3 recalled from the office of (office)" must be submitted to the
4 electors, along with the names of any candidates certified for
5 the successor election, at a special election called by the
6 State Board of Elections or at a regularly scheduled election
7 to occur not more than 100 days after the date of certification
8 of the recall petition. The officer or member subject to recall
9 may be a candidate in the successor election.

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17 petition is certified, the petition may not be withdrawn and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

21 (c) Any elector of the State, or the applicable Legislative
22 or Representative District, may file an affidavit with the
23 State Board of Elections providing notice of intent to
24 circulate a petition to recall an officer or member no sooner
25 than 6 months after the beginning of the officer's or member's
26 current term of office. The affidavit must identify the name of

1 the officer or member and the office to be recalled, the name
2 and address of the proponents of the recall petition, and the
3 date of filing with the State Board of Elections. A recall
4 petition shall not be circulated prior to filing the affidavit,
5 and a recall petition must be filed with the State Board of
6 Elections no later than 160 days after filing the affidavit.

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

20 (e) A recall petition is valid unless an objection is made
21 within 45 days after the date the petition is filed, and an
22 objection to the recall petition may be made in the same manner
23 as to a candidate for the office subject to recall. The State
24 Board of Elections shall certify the recall petition not more
25 than 105 days after the date the recall petition is filed. Any
26 recall petition or election pending on the date of the next

1 general election at which a candidate for the office subject to
2 recall is elected is moot.

3 (f) If a recall election is initiated, the name of no
4 successor candidate may appear on the ballot unless a
5 nominating petition has been filed with the State Board of
6 Elections no more than 40 days after filing of the recall
7 petition. The nominating petition of an established party
8 candidate must contain the same number of signatures and be
9 circulated in the same manner as an established party candidate
10 for nomination to the office subject to recall, except the
11 petition must be circulated no more than 40 days prior to the
12 last day for filing nomination petitions. The nominating
13 petition of an independent or new party candidate must contain
14 the same number of signatures and be circulated in the same
15 manner as an independent or new party candidate, respectively,
16 for election to the office subject to recall, except the
17 petition must be circulated no more than 40 days prior to the
18 last day for filing nomination petitions. A nominating petition
19 may be objected to in the same manner as a candidate for the
20 office subject to recall, unless otherwise provided by law. The
21 State Board of Elections shall certify a valid nominating
22 petition not more than 105 days after the date the recall
23 petition is filed.

24 (g) An election to determine whether to recall an executive
25 officer or member of the General Assembly and to elect a
26 successor shall be proclaimed by the State Board of Elections

1 and held not less than 60 days and no more than 100 days after
2 the date of certification of the recall petition.

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

5 SCHEDULE

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

20 on page 3, line 23, by deleting "Constitutional Amendment
21 Act.".